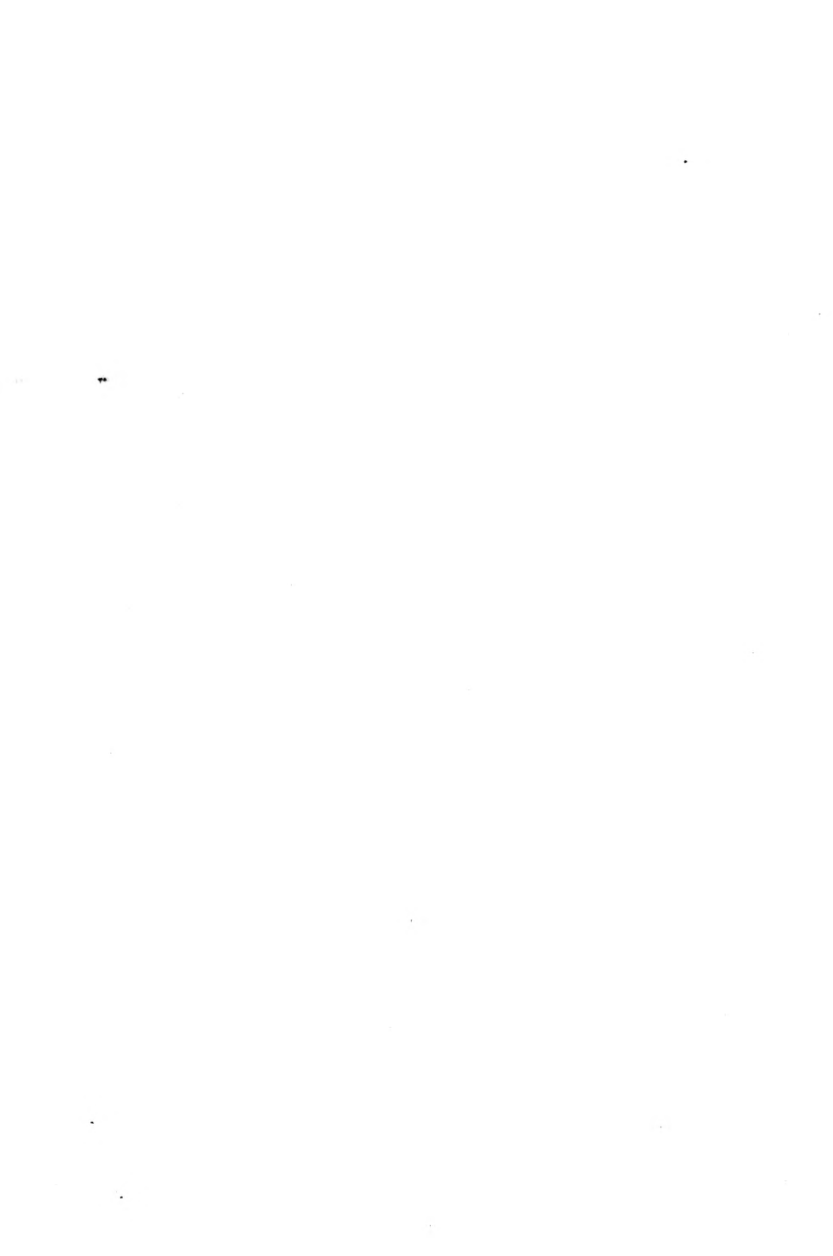






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JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF
THE STATE OF INDIANA;
BEING THE
FIFTEENTH SESSION

OF THE
GENERAL ASSEMBLY;
BEGUN AND HELD AT INDIANAPOLIS, IN SAID STATE, ON
MONDAY THE SIXTH DAY OF DECEMBER, A. D.
1830.

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1830.

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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

AT THE FIFTEENTH SESSION OF

THE GENERAL ASSEMBLY OF THE STATE OF

INDIANA,

Begun and held at the Capitol, in the town of Indianapolis, on Monday the sixth day of December, in the year of our Lord, one thousand eight hundred and thirty; being the day appointed by Law for the meeting of the General Assembly.

THE FOLLOWING MEMBERS OF THE HOUSE OF REPRESENTATIVES APPEARED AND TOOK THEIR SEATS, TO WIT:

From the county of Wayne, John Finley, Henry Hoover, William Elliott, and Eli Wright.

From the county of Dearborn, James T. Pollock, Walter Armstrong, Ezra Ferris, and Samuel H. Dowden.

From the county of Clark, Isaac Hawk, Joseph Work, and John E. Roe.

From the county of Washington, Hugh McPheeters, Ezekiel D. Logan, and Rodolphus Schoonover.

From the county of Harrison, Joseph Paddacks, George Bentley, and John Zenor.

From the county of Franklin, David Wallace, and John Reid.

From the county of Switzerland, John Dumont.

From the county of Jefferson, David Hillis, and James H. Wallace.

From the county of Orange, Thomas Coffin and James Lynd.

From the county of Knox, John C. Reily, and John Decker.

From the county of Fayette, Marks Crume, and David Harkins.

From the county of Rush, William S. Bussell.

From the county of Decatur, Thomas Hendricks.

From the county of Ripley, William Skeen.

From the county of Jennings, Henry L. Soper.

From the county of Marion, Alexander W. Russell.

From the county of Jackson, James Hamilton.

From the county of Scott, Alexander Lowry.

From the county of Floyd, Jacob Bence.

From the county of Crawford, Zebulon Levenworth.

From the county of Lawrence, Pleasant Parks.

From the county of Monroe, John Owens.

From the county of Gibson, Samuel Hall.

From the county of Posey, William Casey.

From the county of Sullivan, George Boon.

From the county of Vigo, Amory Kinney.

From the counties of Perry and Spencer, John Pitcher.

From the counties of Pike and Dubois, Thomas C. Stewart.

From the counties of Daviess and Martin, James G. Read.

From the counties of Green and Owen, James Galletely.

From the counties of Putnam and Clay, John McNary.

From the counties of Parke and Vermillion, John Gardner.

From the counties of Montgomery, Fountain, Tippecanoe, Warren, Carroll, and all the country north to the state line, John Beard, and Abel Claypool.

From the counties of Hamilton, Madison, Hancock, Henry, and all the country north of said counties to the state line not attached to any other county or counties, Elisha Long, and Thomas Bell.

From the counties of Allen, Cass, and all the country north to the state line, Joseph Holman.

From the counties of Morgan, and Hendricks, and all the country north of the said last named county to the Wabash river, Alexander Worth.

From the counties of Shelby and Jackson, John Smiley.

From the counties of Randolph and Delaware, David Seamans.

From the county of Bartholomew, and all the country lying west of the same, and east of Monroe county, William Herod,

Who produced their credentials, and were sworn into office by the Hon. Isaac Blackford, one of the Judges of the Supreme Court of this State.

The house then proceeded to the election of a Speaker; Messrs. Wallace, of Jefferson and Reiley, acting as Tellers:

On the first ballot, Isaac Howk had	26 votes.
James G. Read	20
David Wallace	9
Scattering	3
On the second ballot Isaac Howk had	26 votes.
James G. Read	23
David Wallace	6
Scattering	3
On the third ballot Isaac Howk had	30 votes.
James G. Read	25
Scattering	3

Mr. Howk having received a majority of all the votes given, was declared duly elected Speaker, and was conducted to the chair by Messrs. Finley and Logan.

The House then proceeded to the election of a Principal Clerk.

On the first ballot, William Sheets had	29 votes.
Henry P. Thornton	27
Scattering	2
On the second ballot William Sheets had	30 votes.
Henry P. Thornton	27
Scattering	1

Mr. Sheets having received a majority of all the votes given was declared duly elected, and was sworn into office by the Hon. Isaac Blackford, one of the Supreme Judges of this state, and entered upon the discharge of his duties.

On motion of Mr. Hoover,

The House then proceeded to the election of an Assistant Clerk, and on counting the ballots it appeared that

Albert S. White received	38 votes.
John S. Newman	18
Scattering	2

Mr. White having received a majority of all the votes given was declared duly elected, was sworn into office by the Hon. Isaac Blackford, and entered upon the discharge of his duties.

On motion of Mr. Elliott,

Resolved, That the House now proceed to the election of an enrolling Clerk, to be sworn into office when the business of the House requires it.

The House accordingly proceeded to the election of an enrolling clerk—and on counting the ballots, it appeared that

Jesse Jackson received	33 votes,
David P. Shook,	9
J. B. Duret,	7
Rufus Hamman,	7
Scattering,	2

Mr. Jackson having received a majority of the whole number of votes given, was declared duly elected.

On motion of Mr. Reiley,

The house proceeded to the election of a door-keeper—and on counting the fourth ballot, it appeared that

John B. E. Reed, received 36 votes.

James Dixon, 22

Mr. Reed having received a majority of all the votes given, was declared duly elected; was sworn into office by the Hon. Isaac Blackford, and entered on the discharge of his duties.

And then the house adjourned until 3 o'clock, P. M.

3 o'clock, P. M.

The house met pursuant to adjournment.

A message was received from the senate by Mr. Farnham, their secretary, announcing, that the Senate have adopted the following resolution:

Resolved, That the House of Representatives be informed that the Senate has assembled, formed a quorum, elected John H. Farnham, secretary, Austin W. Morris, assistant secretary, W. J. Brown, enrolling secretary, and Oliver Morse, door-keeper, and are now ready to proceed to legislative business.

On motion of Mr. Elliott,

Resolved, That the clerk of this House inform the Senate that the House of Representatives have met, formed a quorum, elected Isaac Howk, speaker, Wm. Sheets, principal clerk, Albert S. White, assistant clerk, Jesse Jackson, enrolling clerk, and John B. E. Reed, door-keeper, and are now ready to proceed to legislative business.

On motion of Mr. Hoover,

Resolved, That the Secretary of State be requested to furnish thirty-one copies of the Revised Code of 1824, and the same number of copies of Statutes of 1825, 6, 7, 8, 9, and 30 for the use of this House.

On motion of Mr. Ferris,

Resolved, That a committee of two be appointed on the part of this House to act with a similar committee to be appointed on the part of the Senate to wait on the Governor and inform him that the two Houses have met, elected their officers, and

are ready to hear any communication he may think proper to make, and to know of him at what time he will make a communication.

Whereupon,

Messrs. Ferris and Casey were appointed that committee.

Mr. Logan moved the following resolution, viz:

Resolved, That the rules and joint rules that were adopted at the last session of the General Assembly of the state of Indiana, by the House of Representatives for their government, be, and the same are hereby adopted for the government of the House of Representatives during their present session, and that the clerk furnish the public printer with a copy of said rules and joint rules, with instructions to print immediately, one hundred copies thereof for the use of the members of the House.

Ordered, That the Clerk inform the Senate of the adoption of these joint rules, and request the adoption of the same on their part; which was read, and,

On motion of Mr. Hillis,

The same was ordered to lie on the table.

On motion of Mr. Finley,

Resolved, That A. F. Morrison, and Douglass & Maguire, be privileged within the Bar, as reporters of the proceedings of this House.

A message was received from the Senate by Mr. Farnham their secretary, announcing that the Senate have adopted the following resolution:

Resolved, That a committee be appointed on the part of the Senate, to act with a similar committee to be appointed on the part of the House of Representatives, to wait on his Excellency, the Governor, and inform him that both Houses of the General Assembly have convened, formed a quorum, elected their officers, and are now ready to proceed to legislative business, and to learn from him if he has any communication to make, and at what time and place he may please to make the same.

That Messrs. Gregory and Lemon are appointed a committee on the part of the Senate,

And then the House adjourned until tomorrow-morning, 9 o'clock.

TUESDAY MORNING, DECEMBER 7, 1830.

The House met pursuant to adjournment.

George Craig one of the members elect from the county of Switzerland now appeared, produced his credentials, was sworn into office by the Hon. Jesse L. Holman, one of the judges of the Supreme Court of this state, and took his seat.

A message was received from the Senate, by Mr. Morris, their assistant secretary, announcing that the Senate have adopted the following resolution, to wit:

Resolved, That the joint rules adopted at the last session of the General Assembly of the state of Indiana, by the Senate, for their government, be and the same are hereby adopted for the government of the Senate during the present session; and that the House of Representatives be informed of the adoption of this resolution so far as the joint rules are concerned.

Mr. Ferris, from the joint committee appointed to act with a similar committee on the part of the Senate, to wait on the Governor and inform him that the two Houses have met, formed a quorum, &c. and are ready to hear any communication he may think proper to make, reported, that they have performed the duties assigned them, and have received for answer, from the Governor, that he will, this morning, at ten o'clock, meet the two houses, in the Hall of the House of Representatives, and make a communication to them.

On motion of Mr. Hall,

The resolution which was laid on the table yesterday relative to the rules and joint rules to be adopted by the House at the present session, was taken up: When,

Mr. Ferris moved to amend said resolution, so as to provide for the adoption of the rules and joint rules therein named, with the following amendment to the tenth rule, viz: "That, after the first week of the session, the orders of the day shall have priority of all other business, on calling the House to order in the afternoon of each day, unless otherwise directed by the House;" which motion was decided in the negative.

The question then recurring on the adoption of the resolution, it was carried in the affirmative.

On motion of Mr. Hoover,

Resolved, That a select committee be appointed to ascertain and report to this House the unfinished business, if any, of this House of the last session; Whereupon

Messrs. Hoover, Hillis and M'Pheeters were appointed that committee.

On motion of Mr. Paddacks,

Resolved, That a committee of one be appointed, on the part

of this House, to act with a similar committee to be appointed on the part of the Senate, to wait on the Rev. Thomas Hitt, and request him to attend in the Representative Hall, and open the present session of the General Assembly by solemn prayer; and that the said committees report to their respective Houses at what time he will attend for that purpose; that the Senate be informed hereof and a similar resolution requested on their part; Whereupon,

Mr. Zenor was appointed such committee on the part of the House.

Mr. Wallace of J. gave notice that on to-morrow or some subsequent day he would move the following amendment to the tenth rule, viz:—"and after the first week of the session the orders of the day shall have priority of all other business, on calling the House to order in the afternoon of each day, unless otherwise directed by the House."

On motion of Mr. Loggins,

Resolved, That the Senate be invited to attend in this Hall, instantler, to be present at the opening of the present session by solemn prayer, and that seats be provided for them on the right of the Speaker's chair.

Ordered, That the clerk inform the Senate hereof.

A message was received from the Senate, by Mr. Morris their assistant secretary, announcing that the Senate have adopted the following resolution, to wit:

Resolved, That the Senate reciprocate the resolution adopted by the House of Representatives, for waiting on the Rev. Mr. Hitt, requesting him to open the session of this General Assembly, by solemn prayer; and that Mr. Pennington is appointed a committee on the part of the Senate.

The Senate then came into the hall of the House of Representatives and took their seats on the right of the speaker's chair—the president of the Senate on the right of the speaker; when the joint committee appointed for that purpose, came in, attended by the Rev. Mr. Hitt, who addressed the Throne of Grace with solemn prayer.

The Senate then retired to their chamber.

On motion of Mr. Ferris,

Resolved, That the Senate be invited to attend in the hall of the House of Representatives, instantler, to hear the communication of his Excellency, the Governor, and that seats be provided for them on the right of the speaker's chair.

The Senate came down from their chamber and took their seats on the right of the speaker's chair—the president of the senate on the right of the speaker—his Excellency, the Gov-

error, then came in, attended by the joint committee appointed for that purpose, and in the presence of both houses, in person, delivered the following

MESSAGE:

GENTLEMEN OF THE SENATE,
AND HOUSE OF REPRESENTATIVES:

THE auspices under which we have again assembled, as the servants of the best of *sovereigns*—THE PEOPLE, in obedience to the requisitions of a priceless written constitution and the popular voice, demand from each, a spontaneous tribute of profound acknowledgment to an over-ruling Providence, for the numerous blessings of the year which is just coming to a close. Whatever ministers to the happiness of mankind, in all civilized nations, abounds in our beloved country, in all that undiminished profusion, compatible with the simplicity of rational desire. Whilst health, plenty, peace and prosperity, in uninterrupted continuity, constitute prominent themes for rejoicing and thanksgiving, ourselves with our fellow-citizens, may gratulate each other, in the conscious enjoyment of all, and raise a ocean of praise to the Author of all good.

The universal developments of the past year, at home and abroad, on this and the other hemisphere, are calculated to raise the whole human family still higher in the scale of creation, in their own estimation, than anticipation ever reached. Many are the indications, that the era has just been ushered in, for the complete overthrow of the most hateful errors and deadly enemies of the world, and the triumph and spread of regenerated and reasonable principles, based in the enlightened philosophy of the age and the eternal rights of man.—Its great events have given birth to a *simultaneous* jubilee over half the globe, and planted deep in the thrilling souls of millions, a hope of deliverance, from long oppressions and the race of kings. The press has succeeded in convincing the *governed*, that they were not made to be ruled *jure divino*; but, that their rulers belong to them, as servants *jure humano*. The genius of liberty, from soaring triumphant with the Eagle and Star Spangled Banner of America, has taken her flight across the Atlantic, to career, for awhile, with the lilies and tri-colors of France. This celebrated flag, the emblem of popular *supremacy* and prostrate *royalty*, now waves unmolested over noble and gallant France. A *republican monarchy*, is erected upon the ruins of the absolute throne of

the Bourbon. A limited constitutional King, sways a mild sceptre, and is now delivering lectures of practical freedom to Europe. Their force is felt, and neither the Alps nor the Pyrenees, oppose barriers to their march. The spirit they breathe, has already shaken the dynasties of Europe from the little witless despotism of Brunswick, up to the iron throne of Nicholas. The Frank and the Hibernian, the Britain and the Scot, the Spaniard and the German, the Portuguese and the Netherlander, the Prussian and the Austrian, the Greek and the Italian, and even the cold Muscovite, are common worshippers at her shrine. Hope is strengthened by desire, that she may continue to brandish her flaming flambeau, until civilized Europe and in time the whole earth, are ignited with as pure a flame, as now burns throughout the two Americas. Expressions of opinion at this time, by us, on these topics, will be both appropriate and encouraging, as they concern the cause of general freedom, and if things go on as they have commenced, (however much upon *moral* principles we may deprecate a general war) must ultimate in a signal manner, to the advantage of our agricultural and commercial interests. The new French government has already proposed to reduce the duty on bread stuffs. But, when we look to France and there behold a scene of glory, as enduring as the everlasting hills, in the four days successful struggle of her Parisian population, against the stubborn tyranny of their dotard king and his puerile ministers, and learn the fatal cause of the revolution, and see the companion of Washington and late guest of the United States, General Lafayette, in the very evening of his life, shedding a fresh lustre over his already mighty name, which rather outshines in splendour the acts of his more brilliant meridian, we shall feel rather the obligations of duty than inclination to apology, for the brief notice taken of this wonderful affair. What in the whole history of nations, can more excite our admiration, than to see a single city giving *liberty* and *law* to thirty-two millions of inhabitants about to be chained down in the most odious and cruel despotism. slavery, and debasement—preserving and new-modeling a constitution with republican features—restoring the press to its freedom—securing to the poor, privileges never before enjoyed on account of their misfortunes—separating church and state, and placing religious liberty upon a more firm basis than ever. (What a pointed rebuke this is, to the advocates of law-religion in our own country!) The news of this mighty revolution and its effects, fall upon us at this eventful crisis of our history, with the sweetness of

music; and will visit the republics of South America, bleeding under their misrule and factions and almost despairing of success in consequence of their long civil wars, as a *saviour* in the midst of their afflictions and wasting contentions—as the dew-drops upon the thirsty grass. Already have we seen the patriarchal Cincinnatus of the French and Apostle of American institutions, announcing the recognition, by that government, of the independence of the southern republics—and Spain very soon, must *now* follow *this* example. Liberals throughout the world, will hail with raptures, their late acquisition of strength, and treat it as a sign of the times, ominous of the fate of absolute thrones, and the fall of Princes—of a change of sovereignty, from the usurpations of the *few*, to the natural and *political rights* of the many.

But, whilst elated with the deep root which the representative principle, has struck in the old world, we feel, commingled with our joy, a sensation of poignant grief, at the death-toned voice, from some disaffected members of our own family, at war with our permanent and successful experiment of its excellency. It presses upon our notice, a subject of such sacred, awful and frightful import, as to mirror to the fancy, the germs of the downfall of this renowned confederacy. With dreadful intonations, which grate and pall upon our senses, the cry of **DISUNION** has been rung in our ears. Its value is undergoing a calculation by dollars and cents.—As *Union* is our *Palladium*, so *dis-union* is the fabled wooden horse, as delusive, and yet as fatal to *us*, as he was to the Trojans. If this monster is not kept without the gates of the city, time will come, when armies will rush from its bowels only to conflagrate, despoil and demolish the temple of liberty. “*The Union must be preserved*,” has been nobly said: We will add, by the same *first* and *last* resort which bought it.—In looking into the consequences of any attempt to separate the States, we see a train of horrors and follies so appalling in an hundred aspects, that one is ready at the same time, to *pity* the *weakness* and *condemn* the *wickedness* of him who publishes a sentiment so regardless of social and *relative* duty. The palpable impossibility of ever succeeding in a project so suicidal, to the welfare of this intelligent national community, heightens the insanity of the dreadful scheme, and must finally brand its advocates with marks of distinction more indelible than those which still remain upon the guilty and treasonable foreheads of the Hartford Conventionists. The constitution of the United States is a *compact*, and cannot be renounced by a *minority*, without a direct appeal to the *ultima ratio*

under all governments, the laws of nature and original rights, regardless of every thing but force, from the *nullified* and broken obligations of the constitutional agreement. A state taking this course, must throw itself into a belligerent attitude, upon its own resources and strength. This extra-constitutional course, must impose upon the violating and revolting state, all of the responsibilities, which the safety of the balance of the parties to the cancelled compact, may think expedient to impose. Who is it, that cannot see the alarming picture, which might be here drawn, presenting civil war with all its calamities? Yet, in view of all this, the doctrines of the right of a state to secede from the Union, for causes deemed sufficient, *by herself*, originating in an opposition to a fixed and settled policy of the *majority*, from which she dissents, have received a practical scope, from the gigantic efforts now making, by popular men and states, to enforce them upon the public mind as orthodox theories of the republick, which, on account of their fearful tendency, make it incumbent upon the state authorities, at their threshold, with counter opinions, to expose their fallacy.

The United States' government is neither strictly confederated or consolidated. The relation which the several states bear to the General Government, beautifully exemplifies, (what has been maliciously denominated a monster in politics by nullifiers) an *imperium in imperio*. Sovereignty is the attribute of the *one* as well as the *others*, according to the powers they respectively possess. A wise division of prerogatives to *each* keeps *all* within their appropriate spheres. And in case of encroachment of either upon the other, it is not to be presumed, that there is no constitutional national arbiter, to substitute law and order, for anarchy, nullification, and violence.—

What a reflection it is, upon the fathers of the republic, to contend, that differences between the several members of the Union, about such great questions as Commerce, Manufactures, Agriculture, and Revenue, should be left for adjustment at the mercy of a *single* state? Or, that the laws of the *whole*, could be rendered powerless by *one*, or any less than a majority of the parties to the agreement? The charter would not be worth the parchment which contains it, and would be a fraud upon the citizen republican, if it recognized the right of *minorities* to rule *majorities*. The gordian knot of the Union, would sever with the breath of treason, if the *few* could enjoin the will of the *many*.

Let it be understood every where, that whenever the crisis shall demand it, the general government will be called

upon in the name of all the blood that was shed in the two wars for freedom—in the name of the illustrious dead and living who laboured so long and faithfully with the *pen* and *sword* to form and then to *perpetuate* the union—in the name of the ashes which sleep at Monticello, Quincy and Washington—in the name of the patricidal, fratricidal and par-ricidal wars, which must in future, desolate our country, and in the name of the people and of God, to call all their various energies into active requisition, to preserve in the beak of the Eagle our favorite motto “*E Pluribus Unum*,” and the *constellation* of stars, and the escutcheon. But first let the people of all the states do their duty, their Legislatures theirs, Congressmen theirs, by provoking each other to the broadest liberality, concession and compromise, with a view to a reconciliation of existing differences, in conformity with the principles of the constitution, and the rights of *all* and *each*. The same generous forbearance, may *preserve* which made the incomparable covenant, if all desire it. To congress the preservation of the ark is entrusted. What would please us, would be, to see Congressmen, fix their eye steadily upon the union, and hear every matter which may be presented by any state, in the form of a grievance *real* or *imaginary*, with patience and respectful attention, and decide upon them according to their *merits* with sincere and honest intentions and with a wisdom, patriotism, and indulgence becoming the weighty subject; and above all, unbiased by the mania of party spirit, and unincumbered with those angry discussions, which have, as if *intended to widen the breach*, seemed to delight too much, in invidious and unprofitable comparisons of one section of the country with another, in crimination and recrimination for *political effect*, and denunciations of practices and men, that have long since been buried in infamy, oblivion or the tomb, by the laws of nature and retributive justice.

If the tariff imposing duties upon articles imported from foreign countries, of general consumption here, and not the production of our soil and climate or the labour of our citizens, is too high, and if this is the grounds of much of the excitement amongst our southern brethren, let it be modified by a prudent reduction. If the power so long exercised *constitutionally*, by the general government, for the internal improvement of the country, has not done equal justice to the planting states, owing to their rigid construction of the federal charter; and this constitutes an item of complaint, let some plan be conceived by which they shall be placed on an exact equality with their sister states in all the disbursements

of the national treasury. Some equitable rule for the apportionment of the surplus, may be easily found, such as territory and population combined. But, if our sister states in the south, expect us to abandon the fair and legitimate exercise of the numerous powers of express delegation in the federal constitution, by the national Legislature, and consequently the onward march of what is called, and understood to be, the "American System," or the employment of all the essential powers of the constitution, designed for the protection and encouragement of our MANUFACTURES, or the labour of our citizens, against independent foreign legislation or policy, and the application of the *means* thus necessarily accumulating at the treasury, to making roads and canals or improving rivers, as well as to objects on the Atlantic, of a national character, they are slumbering under a delusion, out of which, they ought, in good faith, to be at once awakened. These are twin measures, too cardinal, too deeply rooted in the expectations and interests of a vast majority of the people, to admit even of a possibility of their relinquishment. They must flourish or decay together. The politician of the west and of Indiana, who would not with all his powers cling to them, through all temptation, against influence, party, patronage or other cause, would soon read his fate in the ballot box for abandoning the inheritance of his constituents in the common purse. Space here, will not permit an assignment of reasons, why we think the general government possesses those powers, or why it is expedient to exercise them. We have no doubts on either point. And if we shall ever be compelled, by irresistible circumstances, to repeat our consent to an amendment to the constitution, conferring powers to the government already there, for internal improvement and impost purposes, if the enemies to the system will then be quiet, we will undergo the trouble. To any *modus operandi*, which may be selected, that will give us the *union* and these *measures*, we will acclaim. It is charged upon the friends of this policy, that they impose a tax upon certain quarters of the country, in order to distribute it in bounties amongst themselves. How this can be, when all parts of the country, are equally represented in congress and are consumers of importations, and producers, in nearly equal proportions to their population, is not discernable. Such sophistication, gives reason to fear, that there are *liberticides* in the land. I have received and shall lay before you, resolutions of the states of Pennsylvania, Delaware, and Louisiana, declaring that the tariff of eighteen hundred and

twenty-eight, accords with the constitution of the United States, and is not injurious to the southern states. Corresponding resolves are expected from you.

The state, which ourselves and our constituents have adopted, has displayed within the past year, many unequivocal evidences of a certain and increasing prosperity. The superabundant productions of a soil adapted to the culture of both necessities and luxuries, affording a sure forecast of the future, when agricultural science shall attain to more perfection, are acknowledged as a guarantee, that the country of our choice, possesses attractions for rich and poor, superior to most others. With such a surface, and the hardy, industrious and enterprising population, already seated upon their own acres, and the powerful mass of emigrants which constantly throng our highways, in all directions, to settle upon the vacant lands, the most sceptical, cannot doubt as to the glorious destiny of the state. By the aid of a well regulated system of common schools, which shall generally diffuse a practical and useful American education to the poor, as well as to the rich, combined with more advanced universities, with both corporeal and mental improvement as their aim, and an independent *voluntary* moral discipline, of the most *liberal* cast, she will soon take her stand upon the platform of equality, in numbers, mind, morals, and energy, with her most potent sisters.—The history of our state, up to this period, will represent us, as strictly, an agricultural people. But, by the aid of our natural outlets improved, and the artificial lines of communication in expectancy, we are sure to secure to ourselves extensive commercial privileges. And these, with the water power at our command, and fuel, combined with the culture of wool, hemp, flax, cotton, and silk, or the ease with which these articles may be obtained of our neighbors, may shortly add another branch of profitable industry to the common stock, in the growth and multiplication of *manufactories*. These necessary divisions of industry and sources of wealth, are sure to sustain the mechanical—the strong arm of all the departments of labor. To mechanical genius, most of the inventions of the distinguished last half century, owe their usefulness and fame. The power of steam and the lighterings of Heaven are controuled by it. The mechanic, will yet assume his rank over indolence and wealth, and like Phideas, be honored in his profession. The farmer will have his, in defiance of all the artifices of the *non-producers*, to make him *work* while they *play*. As the labour of working-men is the wealth of the state, however employed, whatever holds out a prospect

of its reward, is a subject, at all times, of the liveliest felicitation. The opening of the British West India ports to our shipping, through the prudent, skilful, and effective instrumentality of the President of the United States; the growth of cities in the United States; the increase of manufactures; the disturbances in Mexico, and Europe, and South America; the delivery of the commerce of the Mediterranean, by the French, from the humiliating and disgraceful vexation to which it has been so long subjected, abolishing piracy, slavery, and the demand of tribute from Christian nations, in Tunis, Tripoli, and Algiers; the arrangement with the Sublime Porte by our sagacious administration, for the navigation of the black sea; taken in connection with existing encouragement at home—must in a short time, cheer the farmer by their influence, and ramify their pleasing effects, from Maine to Missouri, among all, but most in the west. Such events are, indeed, worthy a place among the *memorabilia* of the age.

With such prospects before us, we are brought immediately to the plan of future operations, as is pointed out upon the map of the state and in the chapter of our necessities. Our rivers, lakes, and country, their situation and the advantages they hold out in prospective, our present, and increasing resources, the prosperity of ourselves and posterity, look to an early and prudently arranged system of State internal improvement, such as may probably be executed, as one of the most powerful auxiliaries to the attainment of every end within the scope of practical desire or accomplishment. By first arousing the attention of the people to its importance, *then* convincing their judgments, and *then* going to work with firmness, and in earnest, we shall be able to bring into the field, all the faculties of the state, for any factitious display of energy, coming within the range of general usefulness. Now is surely the time, whilst our state councils are undivided by implacable animosities or sectional jealousies, and whilst the spirit of improvement is in the land, whilst damages for privileges of way are nominal, and improvements unmade in many places, for the State to mark out to the public eye, those essential lines of intercourse, which must, by us, or by our successors, be made the objects of special consideration; and which, cannot in the common course of events, remain unimproved, by a wise commonwealth. Our Wabash and Erie Canal (or its substitute, a Rail Road, less expensive and equally valuable), on account of its utility, and the provision already accessible for its advancement, deserves to occupy the foreground in the progress of a more enlarged plan for internal improvement or naviga-

tion. This infant arm of our commercial prosperity and of hopeful promise, to the farmer, has already become the subject of a lively and general solicitude. Such are the public expectations and the delicate relations growing out of late fiduciary engagements, between the state and the land purchaser, that either a *forced* or *voluntary* suspension of this work, must be the cause of much public and private murmuring, besides the imposition of onerous responsibilities upon the state, not to be desired. The state would be unworthy of her franchises, to give up this enterprize *now*, with one hand upon the donation of lands already made; and the rich Miami reservation within the *reach* of the *other*.

If the state of Ohio shall blindly refuse the undoubted advantages and donations of land tendered to her by the treaty of 1829, between her and Indiana, she will impose, through too much reliance upon her enterprize and magnanimity, consequences upon us, not less grievous, than ruinous to herself. It will be regretted, if the absurd idea of canal rivalry, shall so successfully obtrude itself into the calculations of our sister state, as to form even an item of objection to the ratification of the compact. A refusal to unite with us, on this, or any other ground, however, to make the canal, will only leave her without the tendered bounty, and drive us to other expedients, not less sure, although more expensive. The canal route may be changed, so as to run through the Michigan territory, and North of Ohio, to Lake Erie. This furnishes us with *one* alternative, under the pressure of necessity, altogether possible in itself.—Another is,—that the ordinance of Congress of 1787, declares all navigable waters leading into the St. Lawrence, common highways, and that the Maumee is a navigable water course and leads towards the St. Lawrence. Hence, it is free to all to navigate, and susceptible of improvement under authority from the U.S. This would be given, as a necessary consequence of the grant already made. So *here*, we have another alternative. And if either of these designs, should be found not to answer the end in view, we may *then*, as a *dernier* resort, but full of promise, in virtue of an act of congress changing the terms of the canal grant, construct with its *products*, applicable to the whole line of survey, a *single railway* from the Detroit river, across the peninsula, to the southern bend of Lake Michigan, thence to the Wabash river, thence to Indianapolis, thence to the Ohio river. By means of such a facility, an outlet would be opened for the state, including the Wabash country, to the *northern* and eastern lakes, and the cities of New York and New Orleans, or the Gulph of Mexico and the Atlantic Ocean.

The Kentucky rail road, terminating at Louisville, would seem to mark out the falls of the Ohio river, as the point of termination of the one through Indiana. Thus it may be seen, that the states of Kentucky and Indiana, and the territory of Michigan, may be united directly, in interest, upon a scheme of mutual benefits, which by its truly national bearing, might calculate largely upon any amount of national funds, or lands which might be found wanting, after the application of the proceeds of the lands already granted, to carry on the work. It might be calculated with some certainty, that by offering to the territory of Michigan, the same immense *boon*, which is now offered to Ohio, that she will complete that part of the said road, which runs through her territory. Indiana, with her grants, might complete what would be in her limits. Kentucky, Tennessee, and other states south of them, would doubtless do their duty, until the way should reach the Atlantic. An *egress* and *ingress* from and to the lakes and seas, would be secured to us. The southern and northern markets and productions would both be thrown open to our trade. Whatever may be thought of this *ulterior* project, whilst the canal is *possible*, it must after that, insist upon its strong claims to favour, by its national character, and the prospect of uniting several large states in its support, to secure to it the ample means of the general government, after the payment of their debt. It follows from the above picture, that the non-ratification of the treaty, by Ohio, will only *cripple* us.

The canal lands, sold in September, averaged \$1,70 per acre, creating a capital stock of \$75,000 00. It is understood, that the terms of selecting the balance of the lands, have been adjusted with the United States, by the commissioners. It is also understood, that the canal commissioners, have had an engineer employed this summer upon the summit level section of the canal. You are referred to their report for particulars. I will here add, that semi-annual sales of the canal lands will hereafter take place, by the existing law, unless the course Ohio may take with the treaty, shall make it necessary to suspend the sales, further up the Wabash, until we shall have concluded upon *other* and *further* operations.

The national, and Michigan and Ohio turn pike roads crossing each other at the centre of the state, our next most prominent works, from which so much good is expected to flow, are progressing with as much rapidity, as is usual, in such cases. On the national road, the balance of the last years appropriation, added to the \$60,000 00. for the present, will

be expended in grading, bridging and culverting the road about thirteen miles east and west of the seat of Government at a cost of about \$63,000 00, still leaving a balance in the hands of the commissioners. On the subject of this road, I will remark, that the whole western country, will have abundant reason to complain, under the cancelled obligation, of plighted faith, if at this late period, an unexpected illiberal construction of the constitution, or other cause, shall stop *enlarged* annual appropriations of money by Congress, until it is finished according to the original survey, to the Mississippi. The prices at which all the work is taken testify in favor of this, as being as favorable as any other time, for its progress, labour being low and provisions cheap.

The Michigan road has been placed under contract, from Madison to Logansport. The contracts for this road, during the last summer, were entered into at high rates, compared to those of the national road. More of the great loss we have suffered, however, is ascribable to the mistaken policy of the law of the last session, providing nothing but scrip, for payment without any certainty as to time for its redemption, excluding the poor from any thing like competition, and placing the whole of the contracts within the grasp of the wealthy, than to the bad management of the commissioner in charge of the road: But if the commissioner had notified the public, that he would have received proposals, and made contracts with those who might take large or small given distances for the lowest sum, many would have bid for the road, who were induced to put in their proposals according to his advertisement by the mile, and though they were the lowest bidder in that way, were excluded by the acceptance of sweeping propositions, covering many miles in extent. The law already bad enough, by placing every thing in the power of the capitalist was rendered still worse, by the practice under it. These contracts will remain as warnings to the state, never again to trust her credit in the hands of the speculator. When she borrows money the only sacrifice is the interest. But, when she subjects her paper to the mercy of *shavelings*, if she escapes from their avarice with a loss of thirty per cent. hereafter, she will do better than she has in the Michigan Road transaction. To the aforementioned law, I gave my assent with the greatest reluctance, in a spirit of compromise common to Legislators, in order to drive the vexed question from the House, by fixing the Point of termination of the road and save the State from further expense; but I have regretted the sacrifice of my convictions, since, and hope to be more guarded in the future.

By the law of the last session, the Governor of this state, was requested to correspond with the General Government, and ascertain when, and how, the lands donated by treaty, and an act of Congress, to the state, to open the Michigan and Ohio road, are to be surveyed; and whether they are to be surveyed by the State or General Government, and urge the immediate survey of the same, by the latter, &c. If the United States' Government undertook to survey the lands, he was also required upon that condition (and that only) to notify the commissioners when to proceed to the selection of the lands. If the United States refused to survey the lands (then again and upon that *condition only*), he was to notify the commissioners to employ a surveyor, &c., and not otherwise. In faithful obedience to this act, the Executive did, on the 10th of February, 1830, open a correspondence with the Hon. Jno. H. Eaton, Secretary of War, (the successor of the Hon. Jas. Earle, with whom, by negotiation, the Governor had the honor, during his administration of that department, of settling the *same* questions to the satisfaction of the state, now submitted to the present secretary,) up to the spirit and letter of the law. After waiting for a reply *in vain*, to his first communication, until the 8th of July last, the Executive then addressed the Secretary again, and in a more earnest manner than at first, on the same subjects in charge, but has received no answer to this. He has also addressed another letter to the Secretary of War, asking him to acknowledge the receipt of his *two* first letters, but he has received no reply to this.

In due time (June) he gave the above information to the commissioners, then at Indianapolis, relative to his having received no decision, as to the surveys, from the United States, and in due time afterwards, (first of August) after waiting as long as practicable, for the opinion of the War Department, to his second letter, he then gave his opinion through Mr. Hanna, one of the commissioners, to them, and afterwards by written communication to the board, that for safety, they might better proceed to the employment of surveyors, &c. and to the execution of the spirit of the law, so as to prepare the lands for market according to its provisions and intention. Copies of all these documents, I shall lay before the Legislature with care.

This detail of facts, will shew to you, that there is something wrong somewhere; and it will remain for the War and Post-Office Departments to explain the mystery. Yet, that the surveys and locations of the lands, made by the commissioners, will be good and valid, without any decision of the

Secretary of War, or notice of the same to the commissioners, and with or without an act of the Legislature to *legalize*, (inasmuch as these were only preparatory steps to the consummation of the main object and of a ministerial and pecuniary nature) is pregnant with many reasons. The commissioners have acted. They have surveyed and selected about two hundred sections of good land and made their report thereof to the United States Land Office. They intend to survey and select the balance due the state the ensuing season. They have also completed the surveys from Greensburgh to Madison, via Napoleon. The lands were prepared for your mandate to sell them.

The terms established for the sale of the Canal lands, are in a train of proofs to ascertain their goodness. Their application to those may be appropriate.

In this progress we have been visited with *surprise*, within a short time past, with a published opinion of the acting commissioner of the Genral Land Office, which would confine us, if *possible*, in the location of these treaty lands to the *exclusive*, and unceded country of the Indians. This course and such views, appear to be a remarkable and unaccountable departure, from the *lucid* and *emphatic* decision of the late Secretary of War, on the very same points. The grounds taken by Mr. Moore in this case will be found on the closest scrutiny, to be unsatisfactory, and sustained by neither the *letter*, *language*, or *meaning* of the treaty. The position taken, that the road article froms "an entirely distinct and separate cession," will not stand the test of a critical examination, of the treaty containing it. It cannot bear the touch of the knife of legal criticism.

The article granting the lands, expressly determines these three essential *matters of fact*, so explicitly, as to forbid implication, at all, to wit: 1st. It determines the *quantity* of land granted for the road. 2d. It determines the *length* and *breadth* of a *strip* of land for the road, and *names* the *two points between which* it must lie. 3d. It determines *where* the land or sections, for the whole line, from the Lake to the Ohio, are to be located, by the significant words, "*contiguous to the road.*" The *Wabash* and the *Lake* are the *specified points between which* the *strip* and the conterminous lands must be located. Now, this land must lie touching the strip or road, by the words of the treaty (if good land can so be found) from one *defined* point to another: And how can it do this, if it is to be selected according to the new decision, (ten and twenty miles *north* and *south* of those points;) and thence inclining to the

Centre of the road? In making the agreement the contracting parties had in their mind the enhanced value of the land through its influence, lying in juxtaposition on the road, the whole distance through the country then about to be ceded to the United States, as well as that to be retained by the Indians. With such understandings expressly carried into the treaty, *in plain English*, we shall feel justified in resisting any immature construction which shall restrict us to the benefits only of little more than half the road, North of the Wabash, for the selection of our lands. And it will be matter of astonishment if the Indians, themselves, do not concur with us in opinion, as to the object of the treaty. We might be charged with a disingenuous concealment of real feeling, were we not here to remark, that our dissatisfaction, of this late procedure, is heightened by the United States authority not giving to us an opportunity to be heard, in defence of our rights, prior to the sale of the lands which the state authorities had selected, in conjunction with an agent of the United States and several Indian Chiefs, in the disputed territory. If, upon the reception of the authentic proceedings of the joint commission, at the General Land-Office, the lands to which both parties thought they had a right, had been reserved from sale, for the time being, for further adjustment, instead of peremptorily ordering them for sale, without notice to any officer of the state, and making it necessary for us to bring the question before Congress, on a claim of the monies the lands may have sold for, we would have looked upon the transaction, as having a tender regard for the public interest, not less than as the manifestation of common respect for opposite opinions and the people of the state. We have already noticed, that the ground work of this decision is—that the article making the grant, contemplates a separate cession out of the Indian lands, and not ceded by the main article, *because* the articles themselves stand as *separate* ones, in the treaty. This logic, if good, must control all the articles in the instrument, and rights growing out of them, and would prove too much to be admitted; because, it would over-rule other decisions of the United States Government, touching this same treaty, and rip up the already vested rights of individuals, under it, in the country ceded by the first article. What is to become of the reservations made to individual Indians and others, by *separate* and *distinct* articles from the main one, in the treaty? These have generally been *laid* and *ratified*, within the limits of the general cession; and not ordered to be sold. These grants *cannot* be distinguished, from the one for a road. Even the

plausibility of the stand taken, is imperceptible; and to give it the appearance of such, the most latitudinarian constructions, at war with the *entire treaty*, all its *parts*, its *spirit* and *context*, are resorted to.

One article possesses as much solemnity as another. All parts of the instrument have the same dignity and effect, having had a *simultaneous beginning*, *progress* and *maturity* in point of *time* and *validity*. It must be interpreted so that the whole will stand together in rational harmony. But matters of fact, settled, as in this case, are above the arts of construction. They speak for themselves. What has been said on this subject, is submitted to you for legislation, with a belief, that you will feel as willing as your executive, to defend the rights of the state against injuries from *any* quarter; and in this case coming from a source, I am happy to add, whose *acts*, in the general, are entitled to much respect. But, let us do our duty. Let us shew by our *acts* that we are for *principles* and not devotees of *men*. That we will at all times applaud and maintain what is *right*, and condemn what is *wrong*, uninfluenced by party spirit. As long as this is the creed of the political church, the people and their servants may rejoice together. Conflicts of opinion then, will not be viewed as signals of war. But when they sincerely occur as evidences of honesty of intention, to cement in the crucible of investigation, the most lasting friendship under the guidance of an unadulterated charity. Our land has been sold, but the money is ours. A sale of the undisputed selections will be requisite to meet the expectations of contractors.

The question respecting the public domain, is still unsettled. A graduation bill in Congress for the time being, is likely to supercede. A reduction of the land of the United States down to one dollar, seventy-five, fifty, and twenty-five cents per acre—making regular periods the standards of their value, would, as well as aid the army of honest poor in the country, strengthen the Union, improve its treasury, settle down its floating population, and materially increase the finances of the States where the lands are: And even then do less than other nations have done and are still doing, for the citizen; and far less than the American deserves.

It would be useless to offer lands for sale, at a less price than twenty-five cents. When they fall below that price, they should be given away to actual settlers, under prudential limitations, as to time of occupancy and number of acres. And how much of this kind of land is there; and how many unable to buy it are known every where? We have some.

who inherit wealth, some competency, others nothing but poverty. And it is not unfrequently the case, that the most indigent heads the most numerous offspring. How often are our sympathies aroused by the sad spectacle of heads of families, passed the grand climacteric of life, of twelve and fifteen children, wearing out their miserable lives in unprofitable tenancy, with no better hope than to procure bread enough to gratify the calls of nature. If such children and parents of misfortune, were permitted to occupy as their own, even the sterile and bleak districts of land, which no one at any price would buy, they would feel more like freemen. Yes, if their lands were too poor to produce any thing but the green grass, their situation would be infinitely more happy, than to be doomed to the homeless drudgery of a perpetual underling servitude. Open a door to a general freehold population, and the government at once receives new strength, as a consequence of the attachment, which all men have for a home. When this is the situation of the people, let external or internal commotions arise; they will be irresistible in war, and as priceless as Fabricius against bribery and corruption. When the endearments of *home* and *family*, are entwined together, in the heart of the citizen, and the preservation of *these* dependent upon the salvation of his country, he is then prepared to die for it. If such lands are valueless, to the Union, then the cries of the needy, are the demands of *justice* and sound *policy*.

The Indians still abide among us. Here they are wasting away like the snow-flake before the fervid rays of the sun. Give them the Christian Religion; give organic law; give them separate estates in land; give them privileges, and make them citizens, or appeal to the General Government to assign them a place of their choice beyond the Mississippi, in a country suitable to the chase or the establishment of a government of their own, to which they may emigrate *if they please*. To suppose that the barbarian, with all his savage feelings and manners and horrific customs can long exist in the heart of civilized society, without unpleasant collisions, is about as probable as to expect the union between fire and water for mutual existence. One or the other must prevail, and it is not to be supposed that the civilized, will yield to the savage state. It would be the part of wisdom, to give them speedily, what must be fixed upon them by the force of circumstances, in the ultimatum: But in love and without force.

The Sunday mail question is still alive. Like other abstractions, not susceptible of being formed into law, *by us*,

but bearing upon our rights or privileges, we may consider this a subject of legitimate notice. Still it should form no part of our purpose to diminish in the least that deep veneration which is so justly entertained for the Christian Sabbath, or to insinuate an unfavorable opinion, to the divinity of its institution. Few things which form a part of the social compact, human or divine, are productive of more salutary effects, in this world of moral evil, than a Sabbath or day of rest and pious meditation. But we wish to leave the protection of this sacred day, where we found it, in the hands of the Almighty, its divinity upon the testimony of the bible, and the *punishment* of its violators to *Him* who ordained it.

If this is the Lord's day and of his appointment, it is under his *protection*, and he will preserve it. Let the mails run, until they are stopped by a higher power than Congress. If this body shall assume a jurisdiction over the sacred writings, on a *single subject*, the wedge is then entered, and there is nothing further in the way to prevent them from taking complete cognizance of the *whole*. The orthodoxy of *this* and the heterodoxy of *that* creed, would soon follow in the train of a fruitful source of new legislation, concerning the Scriptures. That system of ethics, which will not stand *alone*, and recommend *itself* by its own graces without the whitewashes of the law, deserves a tomb among the rubbish of other human follies. And that one which claims for itself perfection over *all* others, in the midst of an extended religious toleration, is not likely to escape suspicion for its presumption. It is the *natural* and *constitutional* right of *all* to *think* as freely as they please, *without* responsibility, and to act *under* it.

It will become your province, at the present session, to lay off the state into new senatorial and representative districts. The usual difficulties growing out of this task will be found to present themselves as almost insurmountable obstacles, among your best exertions to do equal *justice*, and at the same time, give complete *satisfaction* to all the counties in the state. If you are governed in the formation of districts by any definitely fixed ratio, whether it remains as it is or is increased, there are many counties which will be deprived of separate representative privileges now enjoying them, the most satisfaction will doubtlessly be given, by rather leaning to a system of compromise, than too close an adhesion to exact numbers.—Owing to our prodigious increase of population during the last five years, an increase of *members* in *both* houses, must be the consequence of *even* an increased *ratio*, which, in either case, to too great an extent, we are admonished by eco-

nomical considerations and the representative principle, to be guarded against. Within the last ten years we have risen in numerical strength from one hundred and forty odd thousand, to about four hundred thousand. Such an unparalleled rise, in so short a time, will enable us to indulge the presentiment, that unless we receive an unforeseen check, in some way, by the year 1840, progressing at the rate of the past, a million of souls will live in Indiana.

You may or you may not, make the congressional districts, under the late census this session. You can form them subject to contingencies *before* the ratio bill is passed by Congress, or *absolutely afterwards*. Our new delegation will not be elected until August, 1833. Perhaps it might be most agreeable, to form the state and federal districts at the same time, and be rid of the subject.

Some steady and uniform mode of doing county business, throughout the state, is recommended, alike by its benefits, and the evils of the present one. What most appears to be the ground of complaint is, the different *kinds* of county tribunals within the same commonwealth. In some counties, there are boards of justices, and in others, commissioners. Such a diversity of *special* legislation in this matter, will lead in time, to a lamentable confusion. After awhile, by its institutions, one will be scarcely able to know when he is *in* the state, or out of it. Legislation should always be *general*, producing *uniformity* in its effects; and opposition by *minorities*, to the solemnly declared will of the *majority*, is no apology for *special* acts afterwards to commit havoc upon the beauty and order of a state system. At what point is the practice to stop? The examples already on our statute book, if persisted in, will in time produce a heterogenous and deformed polity, without comeliness, wisdom, or public security. The philanthropic exertions, making, too, in some counties in the state, for the erection of asylums for the poor, upon farms, might induce the state to make them *common*, under the constitutional injunction. If an application were made, to Congress, for the location of a section of land, for every county in the state, for such humane purposes, I flatter myself that it would succeed. Why not? If the lands are ours and Congress holds them in *trust* only, for us, surely we may dispose of them in our own way. And how could about two townships of land, be better disposed of? Indeed, there is much reason, for making such applications for the domain, in all of the states, bordering on the Ohio and Mississippi rivers. And could it be said, by any of the old states, that

this is another scheme for western states' aggrandizement, exclusively? No—for the doors of these Asylums, would be open to the unhappy victims of misfortune, of every state and clime. Many a son or daughter of affluent parentage, in the old states, might under adverse circumstances, have the tear of affliction dried up, in these nurseries of benevolence. The shores of our principal rivers, already vocal with the cries of distress, should answer the objection, that such grants would be of *local* benefit.

Applications are frequently made to the Governor; to fill vacancies, created, or supposed to be created, by the *absence* of officers. The length of *time* that an officer must have removed or absented himself from his office or place of residence, to constitute a vacancy, appears not to be specified by law. This is necessary. When an officer *dies* or *resigns*, there is no difficulty in filling the vacant place. But, how long a man may absent himself before he abandons his office, is matter of *opinion*. The public sentiment is divided on this subject; and therefore, the *time* should be fixed by law.

In the present advanced and refined state of the human mind, in those governments which justly stand at the head of the civilized world, the propriety of inflicting capital punishments, is, from the experiments of by-gone ages, growing more and more questionable. The *right* of society, to take away life, and then the *policy* of doing so, *publicly*, though sustained by the hoary advocate of *Time* and *usage*, are among the most problematical of the settled practices of the age, which have so uniformly received the acquiescence of nations. Shall the antiquity and universality of these customs, however, secure them against assault, and sanctify the doubtful reasoning which sustains them? Or, may we, under the lights of experience, teeming from all quarters of the globe, and as the disciples of all wholesome reforms which are improvements, venture to doubt, whether they have not failed to answer the ends of this kind of punishment. It is true, that in taking life, all opportunity is cut off from the offender to commit other offences; but, this is only *one* of the objects which punishments design to effect. They look to a *reformation* of their victims, and to *EXAMPLES* to society, to deter others from the commission of similar crimes for which the criminal suffered. Are these designs to be consummated, by placing it *without* the power of the convict, to undergo the *one*, or by making him the instrument of a *finished burlesque* upon the *other*? Is the *brief* period between the gallows and conviction a *suitable* or *sufficient* time for the culprit to make his atonement.

to his country or his God? Is not the day of public execution, one of *curiosity* and amusement to many, rather than one of lasting impression? Is it the *purpose* of the spectator, in traveling, for days, to such exhibitions, to learn his duty to his fellow-man, or barely to *see* one of his race hang and die? The answers; which the close observer would give, to these queries, would be such as to make the supreme power of a state, pause to examine this question in all its bearings. Confinement at *labor* in the solitary cell, responds to *all* of the reasons for punishment, and has been found to be practicable without its supposed concomitants, madness, inhumanity and gradual mortality. But what weighs most, in argument against life-taking is—That all men are *fallible*, and some *corrupt*, and that when vitality is taken away from the creature through *either* of these infirmities, nothing but supernatural agency can again restore it. When the *perjury* of witnesses, or the *frailties* of a court or jury, shall snap the thread of life, there is no redress; but, when, through them, other corporeal punishments are inflicted, or fines, or loss of estate, or reputation, or other injury, is the consequence, the wrong is not remediless. The conservative and remedial principles of our institutions, may cure all of the errors of society, but that of taking away life from innocence. When there is *no* redress for such a cruel deed, with what a trembling caution are we bound, by every sacred duty, to guard against it, by law and practice. Whilst the *quo animo* by which men *act* and are *judged*, lies concealed in its congenial microcosm and hidden from the keenest penetration, most attempts to arrive at a *certainty* with regard to it, must prove abortive. The actions of the correlatives, mind and matter, as being the interpreters of each other, are often treacherous. *Effects* are sometimes ascribed to *causes* which never produced them.—Misapprehension and mistake follow. The scene closes with one of the primitive but *barbarous customs* of the early and rude stages of society, when even witchcraft was believed in by legislators, and judges as learned as Matthew Hale; and life taken to appease the superstition of the law and judge.

At the request of the legislature of Alabama, I shall lay before you a memorial from that state, to congress, praying for relief to land debtors to the United States, so as to allow pay for improvements on forfeited lands, and to suspend their sale, &c. This document has merits.

I am also requested to lay before you, resolutions of the states of Connecticut and Georgia, the latter for, and the former against an alteration of the constitution of the United

States relative to the Presidential election. One of these states is averse to any alteration whatever. The other wishes such a modification of it, as will give the election exclusively to the people, without the intervention of electors or Congress.

The Secretary of War has forwarded to this State, 179 copies of Artillery and 2172 of Infantry tactics, which are subject to such a distribution as you may direct.

The various duties required of the executive, by several resolutions of the last General Assembly, have been strictly performed, which will be made manifest to you, at a proper time.

The same *economy* and improvement may be introduced into the Probate System, by exchanging the county for a Circuit probate judge, which, *exempli gratia*, has distinguished the usefulness of the Circuit over the County prosecutors.—By making a competent judge his own clerk, and requiring a record to be procured and kept in each county, the business may be done for less and far better, than under the present mode. The records of this court should display as much critical and legal acumen, as any in the state. There is none more important. And unless the proceedings are marked with strict accuracy, an endless litigation will grow out of them.

Good faith and approaching necessity require, that the donation at Indianapolis, should be sold, to create a fund for the erection of a State House. The collection of materials for such a building as the state will have funds to erect, will be the work of considerable time. The balance of the land laid out in twenty acre lots, would be most likely to bring the most money. It is time that some definite conclusion was taken, in this affair.

I feel myself bound again to digress, for the sake of opinions, which I hold dear, to notice some attempts, by heads of voluntary associations, to undermine the grand superstructure of republicanism and overturn the first principles of the representative system, within the past season, in this state.—Political heresies, if left uncombated, will soon fasten their fangs upon the object.

The hydra should be slain in its own element, *in limine*.—If “unauthorised” bodies are in future to usurp the *names* and *places* of their constitutional “compeers,” and assist in regulating the state, or are permitted to usurp the *dictatorial* office, their evil practices and their creed, ought to be rendered as harmless to the body politic as possible. It seems to be contended, in true federalist *sang froid*, that when a man is elec-

ted to office, he becomes, at once, a kind of omnipotent being, and independent of the people—That the presumption at once attaches, that as he is selected for his “*talents*” and other merits, he is, therefore, above the *people*, the *law* and the *constitution*. The inference drawn is—that it is contended, an officer cannot acquit his conscience, and at the same time serve popular whims and caprices. He must, to be useful, be *absolute*. This is pure aristocracy. It is the delusive theory wielded by kings to enslave the multitude. They take it for granted that the people, at large, are beasts of burden, and *incapable* of self-government. Our new recruits to this doctrine, must act upon the same principles, to sustain the position—that the officer who will violate constitutional instructions, given to him from the legitimate source—either the people or the legislature, as the case may be—on any point whatever—can hold fast to the people’s office, a moment afterwards, and hurl defiance at the power who gave it. We have found with a vengeance, that we have those who not only contend for such notable notions, but those who practice them under license. This class of old side law givers, have yet to learn, or if informed, are too sinister to avow it, that there are few who will, in these enlightened times, call in question that important maxim, *that all power and authority are radically in the people*. And it is becoming evident, that fewer will ever dispute it in time to come. To such as have not yet found it *convenient* to believe in these things, let me say—My soul, come not thou into your secrets; unto your *assembly*, mine honor, be not thou united. Though *qualifications* in agents and other qualities, constitute a considerable item, in the minds of the advocates of genuine representative government, in its favor, it is evident, from the nature of things, that *convenience* and safety, are by far the most prominent inducements to its preference of any other. The people are always safe in their *own hands*, with light.

All know, that it is inconvenient for the people *en masse*, in pure democratic form, to act, dispersed over immense territories; yet it must be admitted, that they possess the *CAPACITY*; or they have not capability and sagacity enough to choose one to act for them. They retain in their own hands all powers, not *expressly* named in their charter, to be wielded by them, through their agents, and under their supervision. Surely, *then*, it is their right to be heard and *respected*, in every thing which concerns them, in the administration of their government. And he who will not bow to the omnipotence of public sentiment—either in Congress or,

in state Legislatures, or elsewhere—and suffer the people or their representatives to make him their organ, whatever may be his “*own former opinions*,” deserves a destiny as unenviable as that of the late desperate Charles X. because he is as tyrannical. The agent is employed by an election, to do the peoples’ business, and he must do it in *THEIR* way, and not in *his own*, or give place to those who will. He who consents to be elected to office upon *party* grounds, agrees to sacrifice his general independence, becomes a slave to opinions not his own, and *belongs* to *his* party; and like a late Kentucky Senator, is bound to sacrifice the interest of his state, to sustain the principles of a party, or be expelled from their ranks. He who is elected upon his *merits*, by the free suffrages of *all* parties, or by the people, without a party contest, is *free*; and may be *independent*—will feel himself under obligations to his *entire* constituents and friends, without *knowing* or wishing to *know* where they stand in politics—is fettered by no foreign incumbrances; and may, like an honest man, act from his own views of *right* and *wrong*, and always be found on the side of principle, and the interest of the people at large. But no mode or number of elections, should ever withdraw the eye of the agent, from the wishes of his constituents, or make him indifferent to the will of the *majority*. He who forms his opinion in *advance*, to *oppose* or *support*, any man, men or party, without allowing himself latitude for reflection and investigation, puts his mental independence in chains, and his principles under the lead of a disciplined aristocracy. It is true, that when the popular will is fully and fairly expressed, in placing men in power, their acts should in every instance be supported—not as much on their own account as from respect to the power which created them—when their *aim* is honest and their *tendency* the advancement of the public good. But to make **MEN FIRST** the nucleus of a party rendezvous, and suffer them to dictate the measure at their own pleasure, is inconsistent with republican institutions. Measures *first*, and then men to sustain them, and none but such as *will sustain them*, ought to be on the title page of the text book of the United States’ politician. Schooled in this theory, peace and good neighbourhood will again return, and deception be rendered more difficult. When **MEN** are presented as the rallying standard, we may behold a fine exterior—affable deportment; the gentleman—scholar—an intelligent face—elegant mien—traits of honesty—semblances of morality—and much more, to command our admiration; but the seat of intention is still in-

visible; and we may woo and wed, at last secret designs and infirmities common to man in his greatest perfection. But when *principles* and *measures* summon us to become their votaries—they are thrown open to our view unmasked—We can behold their very soul, their body, and their end—We can examine them with our minds eye, investigate their causes and effects, and probe them to the core—and when approved, we can embrace them as leaders that will not deceive us—that *cannot* desert us—that will live immutably amidst the jarings of party strife, to point the way to certain and glorious victory. Men must yield to MEASURES—not MEASURES to MEN.

Among the numerous subjects, which, a desire to avoid further prolixity, has induced me to reserve for your *superior* wisdom and penetration, about which much anxiety is felt, permit me respectfully to recommend: That you bestow a suitable attention upon the condition of our navigable rivers, as calling for appropriations out of the three per cent. fund for their improvement, to secure the safety of the decending craft, and to encourage the steam boat to venture upon those streams, which, but for their natural obstructions, would invite her to visit their extensive shores. That you take into consideration the condition of our College, and foster it with that paternal care, which shall preserve it free from *religious sectarianism* or *political partyism*, that it may form ripe and liberal scholars, such as will be ornaments to the state and benefactors to their race. That you enquire, whether our state roads have not failed to receive the amount of labour due them by law and the physical force of the state, as an effect of too much reliance upon the three per cent. fund. That you may compare the 13th, 14th and 17th sections of the constitution, which prohibit imprisonment for debt *unless for fraud*, secure the *right* of bail, and forbid the requirement of excessive security, with the 4th section of the practice act, the 14th section of the execution laws, and the insolvent debtor act, which provide for the *imprisonment* and *release* of debtors, under the *capias ad respondendum* and *capias ad satisfaciendum*, in order to be satisfied, that the *constitution* is *general* in its application to all stages of proceeding in actions, and that the laws make a distinction in the rights of the debtor, upon *mesne* and *final* process. Our laws aid the debtor in obtaining his release upon *execution*, without a resort to the insolvent law, and where there is no presumption of fraud; but, the *original writ*, still takes the body to jail, unless bail is given or a schedule is filed. Is the failure to give bail, that

presumption of *fraud*, intended by the constitution, which may imprison one? The debtor may be *unable* to give bail, yet have property enough to pay his debts, and be unwilling to file his schedule. The constitution has abolished imprisonment for debt, but authorizes it for *fraud*, or presumption of fraud. The propriety, and constitutionality, therefore, of imprisoning the body, either by the first or last process in a suit, for debt alone, without providing some way of attaching fraud to the defendant, is extremely doubtful. To owe without the means of payment is a *misfortune*, but to act *fraudulently* is a *crime*. Great abuses have been practised under the 4th section of the practice act. It authorizes bail in actions of "covenant, detinue, &c." without any affidavit of the amount due. It is easy to evade the constitution, by suing on a covenant, not for the payment of money or liquidated damages, lay the damages at ten times the amount forthcoming, file no affidavit to any amount, imprison the defendant until the trial; and thus demand *excessive* bail and violate the constitution. This has been practised. In the one of these cases, an affidavit should be made in all cases where there is no sum certain; and in the *other*, the relief given on the *capias ad satisfaciendum* should be extended to the *capias ad respondendum*.

It will, doubtless, be to you, an agreeable service, to authorize the presentation of the contents of two boxes of public documents, to the Indiana College, or its worthy President, in behalf of the state, and at the instance of the Secretary of State of the United States, in conformity to an act of Congress; and also, two boxes of the *same* from the *same*, to the first established historical society in Indiana. The above named boxes have come to hand. In any attempt to revise the military laws, the growing necessity of a classification of the militia, into *voluntary* and *sedentary* corps, with a view to a more efficient organization, and to afford complete relief to the conscientiously scrupulous against bearing arms, or fines, as a *consequence*, should not, at the beginning of a new era of political history, be lost sight of. It is equally as correct to impose penalties upon one denomination of Christians as another, for religious scruples—there being no test of opinions; but they ought to be avoided as to any; when no injury would accrue to the public, under a complete equality, and freedom from *conscience tax*.

An act approved January 22d, 1829, giving relief to purchases of out lots in Indianapolis, has *prudently* received a construction by the agent of the state, as to the payment of

back interest for lots never forfeited, which never could have been the intention of the Legislature. The agent *doubling*, as to the true construction, thought it best, to err on the safe side, *receive* the interest, and refer the question to the Legislature, for an explanatory act. The time was extended for payment, by the said act, before the forfeiture of the lots, or any right was vested in the state, by the original agreement, to demand interest. If interest should be demanded, when there was neither a forfeiture under the first agreement nor under the law giving further time, the debtor would be placed in a worse situation than if no relief law had been passed; for all would have paid up before the indulgence given by the law and saved the payment of the first four years interest, in preference to taking the 22 months indulgence by the said law, and then be compelled to pay interest for five years and 10 months. The interest ought to be refunded.

The situation of the treasury is as follows, to-wit: amount of assessments for 1830, \$41,117 76—estimated deduction for delinquencies, commission, mileage and advertising, \$7500.00, deducted, leaving \$33,617.76; for the treasury, which will probably be paid this winter, including \$3846.22, already paid. There is now in the treasury from all sources, \$33,789.93 which added to the balance yet to be received of this year's assessments, will make \$63,571.47. The amount on hand is subject to the following claims, viz: outstanding warrants, 265.04; judiciary claims not audited, \$2,275.00; prosecutors, \$202.70; specific appropriation, \$360.00; quarter-master-general, 12.00; probate judges estimate, \$1,500.00—canal fund, \$15,806.69—Indianapolis fund, \$6,765.65—militia fines, \$561.85—making in all, \$27,749.43—leaving for the treasury the ensuing year, \$35,812.04, after setting apart the said claims. The demands upon this sum for the legislative expenses, printing, &c. judiciary, specific appropriations, executive, contingencies and militia, state prison and wolf scalps, and probate judges, may amount to \$33,000.00; leaving in the treasury 1st December, 1831, about \$2,800.00; apart from what may then be paid of the revenue of that year. By this exhibit, we see, that our present revenue law, will provide abundant means hereafter, for the common and necessary purposes of the government. And the anticipated new subjects of taxation, being constantly on the increase, you may in a short time, without some extraordinary call upon the finances, reduce the peoples' burdens.

Be you well assured, gentlemen, that it will be my pride, as it will be my ambition, to aid you in every thing, which, cl

ther directly or remotely, shall promise any fruits for good, to our mutual constituents. As we shall all sooner or later return to the honorable stations of private citizens, to feel the laws which we may enact, we have a community of interest with *them*, to exercise caution that nothing is done amiss.

The Senate then retired to their chamber.

On motion of Mr. Holman,

Resolved, That the public printer be furnished with the address of his Excellency the Governor—and that said printer print one thousand copies thereof for the use of the members and officers of the House.

And then the House adjourned till two o'clock, P. M.

2 o'clock, P. M.

The House met.

On motion of Mr. Hoover,

Resolved, That Jesse Jackson, enrolling clerk of the House of Representatives, be now called in and sworn into office:

Whereupon,

Mr. Jackson came in and was qualified, as enrolling clerk, by the Hon. Jesse L. Holman, a judge of the Supreme Court.

The Speaker laid before the House a communication from E. Sharpe and others, requesting permission on the part of the Bible, Colonization and other State Societies, to hold their ensuing anniversary meetings in the Representatives' Hall, with condition to be held in the evening, so as not to interfere with legislative business; which was read, and

On motion of Mr. Hillis,

Permission was accordingly granted to the petitioners.

The Speaker announced the following as the order of business, to be observed until otherwise directed by the House.

1. Reading the Journals of the preceding day.
2. Petitions, memorials and remonstrances.
3. Reports from Standing Committees, in the following order: 1. On Elections. 2. Of Ways and Means. 3. On the Judiciary. 4. On Education. 5. On Military Affairs. 6. On the State Prison. 7. On the Affairs of the town of Indianapolis. 8. On Claims. 9. On Roads. 10. On Canals and Internal Improvements.
4. Reports from Select Committees (except the Committee on Enrolled Bills, which may report at any time.)

5. Resolutions of this House.

6. Joint Resolutions.

7. Bills.

8. Orders of the day.

The Speaker laid before the House the following communication from the Secretary of State; which was read and ordered to lie on the table.

OFFICE OF SECRETARY OF STATE,

INDIANAPOLIS, Dec. 9th, 1830.

The Secretary of State, in conformity with requirements of an act of the General Assembly of the state of Indiana of the 30th January, 1830, entitled "an act to provide for the distribution of the laws and journals and for other purposes," submits to the General Assembly the following report of contracts made on behalf of the state, in pursuance of said act.

On the 13th of March last, contracts were closed for distributing the laws and journals, in the several judicial circuits, with the following named gentlemen and at the following prices, viz:

With	George	Secrest	for the	1st	Circuit	at	\$34 00
"	Robert	Patterson	"	2d	do.	"	55 00
"	Do.	"	"	3d	do.	"	34 00
"	Do.	"	"	6th	do.	"	59 00
"	Do.	"	"	7th	do.	"	33 00
"	Elias	Osborn	"	4th	do.	"	35 00
"	Jesse	Frazier	"	5th	do.	"	28 75

\$278 75

All the foregoing contracts were performed except Mr. Osborne's, who did not appear. His job was consequently let to Mr. Patterson on the 24th of May, at the sum of \$39 00. No suit was instituted against Osborne because he pleaded a want of knowledge that his bid was accepted, and the excuse is now respectfully submitted to the decision of the General Assembly.

Additional compensation was allowed by the Governor out of the contingent fund, for transporting to the new counties the laws of 1824 and subsequent years, and also for extra labour in conveying similar copies to the probate judges of the several counties, &c. This duty was not provided for by the above act, and consequently could not be embraced in the contracts for distributing.

On the 23d August the state printing was let in three several parcels and on the following terms:

Messrs. Douglass and Maguire have the contract for printing the laws, bills of the House of Representatives and blanks for the public offices, at the following prices, to wit: Composition for 1000 ems 37½ cents. Press work on medium and under 40 cts per token. On royal 45 cents. Blanks per ream 10 dollars. The laws to be printed within the time and in the manner specified in the law, and the bills as soon as they can possibly be done after they are wanted.

Mr. Alexander F. Morrison has the contract of printer to the Senate, at the following prices, to wit:

Composition on plain work, being the journal of the Senate, 37½ cts per 1000 ems. Rule and figure work 75 cts. Bills, reports, &c. besides the journals 37½ cts. Press work, medium, per token 40 cts. Royal 45. The work to be done within the time specified by law, and sooner if practicable.

Mr. George Smith has the contract of printer to the House of Representatives, except bills, at the prices specified in Mr. Morrison's contract, and he proposes, if an additional compensation is allowed him that the journals shall be furnished every morning, if the clerk will furnish a copy, at the adjournment of the House each evening.

Mr. John Cain has the contract for binding the acts and joint resolutions, as heretofore, at 9 cents per vol., and to have the whole completed within twenty-one days after the rising of the General Assembly. Mr. Cain has also the contract to press, fold, stitch and cut the laws, journals and documents required, and put a neat blue cover on the journals, at nine dollars per 1000 copies--the journals to be completed within seven days after the last sheet is delivered, and the documents to be delivered to the proper authorities without the least unnecessary loss of time. Such bills or documents as shall be required in haste by the House, without stitching, are not intended to be included in the above.

Messrs. Brown and Morrison have contracted to furnish stationary, for the use of both Houses of the General Assembly, at the following prices, viz:

Hot pressed post paper at	\$6 00 per Ream.
Fine quills No. 80,	3 50 per C.
Do. do. from 54 to 60	3 00 "
Mantua Ribband, assorted colours	25 c. per ps.
Tapes	50 " doz.
Cork Inkstands	1 25 " "

Sand	-	-	-	-	15	"	lb.
Ink powder	-	-	-	-	1	50	" doz.
Ink bottles	-	-	-	-	3	00	" "
Crayon pencils	-	-	-	-	50	"	doz.
Wafers	-	-	-	-	1	00	" lb.
Candles	-	-	-	-	14	"	"

And other necessary articles at cost and carriage.

Mr. Shadreck Lequat has contracted to furnish firewood, cut and split, for the use of the present General Assembly, in the two fire places in the Representative Hall, and the two in the Senate chamber, during the session, at 80 cts per day.

In order to facilitate the distribution of the laws, as early as possible, Messrs. Douglass and Maguire propose to proceed with their printing, during the session, if the present alphabetical arrangement shall be dispensed with. Unless this is done, a commencement cannot even be made until the very last act is signed, as the appropriation act, which is commonly the last which is passed, is generally the first printed. The time allowed for printing is short, and the binder has twenty-one days to fulfil his contract, after the laws are out of the hands of the printer.

Respectfully submitted,

JAMES MORRISON.

Mr. Craig, after having obtained leave, presented a joint resolution on the subject of printing and publishing the journals; which was read the first time and passed to a second reading to-morrow.

Mr. Holman presented a petition of John Middleton and others, praying a memorial to Congress to grant certain lands for a road from Lawrenceburgh via Fort Wayne, to the southern bend of the St. Joseph; which was read and referred to a select committee of Messrs. Holman, Pollock, Wallace of F., Hoover, Hankins and Seamans.

Mr. Dumont presented a petition of sundry citizens of Switzerland county, praying for leave to vary the application of a part of the 3 per cent. fund, heretofore appropriated for a specific purpose; which was read and referred to a select committee of Messrs. Dumont, Wallace of J. and Armstrong.

Mr. Holman presented a petition of sundry citizens of Elkhart and St. Joseph counties, praying a memorial to Congress for a new Land Office; which was read, and

Ordered, to be referred to a select committee of Messrs. Holman, Elliott and Kinney.

Mr. Wallace of J. moved the following resolution:

Resolved, That the House of Representatives will meet the Senate in the Hall of this House, on to-morrow at 2 o'clock, for the purpose of electing the several president judges and prosecuting attorneys, whose term of service has expired; that the Senate be informed of the adoption of this resolution, and a concurring resolution requested on their part; which,

On motion of Mr. Beard,

Was laid on the table.

Mr. Armstrong moved the following resolution:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the twelfth section of the act defining the duties of recorders, and pointing out the mode of conveying real estate, so that the certificate and seal of clerks of the Circuit Courts shall not be required to accompany deeds, when the same shall not be sent out of this state, with leave to report by bill or otherwise; which,

On motion of Mr. Read of D. and M.,

Was ordered to lie on the table.

And then the House adjourned till to-morrow morning at nine o'clock.

WEDNESDAY MORNING, DECEMBER 8, 1830.

The House met pursuant to adjournment.

The Speaker appointed the following standing committees, to wit:

1. *A committee on Elections:*

Messrs. Hillis, Skeen, Soper, Hankins, Lemons and Zenor.

2. *Of Ways and Means:*

Messrs. Read of D. and M., McPheeters, Wallace of J., Elliott, Armstrong, Work and Crume.

3. *On the Judiciary.*

Messrs. Hall, Wallace of F., Dumont, Herod, Kinney and Pitcher.

4. *On Education:*

Messrs. Ferris, Hillis, Hendricks, Finley, Owens, Reid of F. Levenworth and Hankins.

5. *On Military Affairs:*

Messrs. Wallace of F. Casey, Long, Logan, Stewart, Pad-
dacks and Schoonover.

6. *On the State Prison:*

Messrs. Dumont, Wright, Parks, Bentley, Bence, Roe and
Lowry.

7. *On the affairs of the town of Indianapolis:*

Messrs. Russell, Hoover, Dowden, Long, Smiley, Bell,
Worth and Galletely.

8. *On Claims:*

Messrs. Boon, Beard, Coffin, Decker, Hamilton, Soper and
Zenor.

9. *On Roads:*

Messrs. Pollock, Craig, Bussell, Lynd, Skeen, Bentley, Gard-
ner and Semans.

10. *On Canals and Internal Improvements:*

Messrs. Holman, Wallace of F. Hillis, Reiley, Kinney,
Beard, Gardner, Claypool, Boon and McNary.

The Speaker laid before the House, the following communi-
cation from his Excellency, the Governor:

EXECUTIVE DEPARTMENT,
Indianapolis, Ia. Dec. 8, 1830. }

HON. SPEAKER OF THE
House of Representatives:

SIR: Mr. Isaac N. Heylin, is authorised to deliver messages
to the House of Representatives, for me, during the present
session.

Respectfully, &c.
J. BROWN RAY.

The Speaker laid before the House, a communication from
D. H. Maxwell, President of the Board of Trustees of Indiana
College, accompanied by the following report of said trustees,
which was read and referred to the committee on Educa-
tion, viz:

"The Board of Trustees of the Indiana College, in compli-
ance with a joint resolution of the General Assembly of the state
of Indiana, concerning said college, approved, Jan. 25, 1830,
respectfully report.

That the college edifices consist of one brick building, sixty feet long, and thirty-one wide; of two stories high, containing six rooms, which have been arranged by the faculty and occupied as recitation rooms, hall, library room, and by the Library Society established among the students. This building was erected by the trustees of the late State Seminary in the years of 1823 and 4, and cost about 2,400 dollars. There is also a brick dwelling house thirty-one feet long, and eighteen feet wide, containing four rooms and having a small kitchen attached thereto. This house was likewise built by the trustees of the State Seminary in the years 1823 and 4, and cost 891 dollars, and is at present occupied by Mr. Hall, one of the professors of the college, who at his own expense has built several other necessary out-houses upon the premises. These buildings were erected in compliance with legislative acts upon that subject: there has also been erected within the last two years, a large brick building seventy-five feet long, fifty feet wide, and three stories high; the exterior walls are only constructed and the roof put on, and the windows and doors of which will be enclosed immediately so as to prevent the building from being injured by the weather. There are 300,000 bricks in the walls of this edifice, and the estimated expense of the materials and work thus far is 4,333 dollars and 66 cents: in this estimate is included the dome or cupola, the sash for the windows, and painting the cornice, dome and deck roof. Of the foregoing sum, there has been paid 3,117 dollars and 19 cents, the balance not being due until next summer. When the funds of the institution will admit of further progress, it is contemplated by the Board to finish the building, as it is imperiously called for by existing circumstances, viz: The increasing number of students; the diversified nature of their studies; the indispensable necessity in some instances for different apartments for the inculcation of different sciences; the need of appropriate rooms for chemical, philosophical and astronomical apparatus when they can be obtained, (for the present there is no place for them) also the pressing necessity for a large hall, or chapel, so called, for the use of the students on *commencement* days and for the accommodation of the public on those occasions, and lastly the use of rooms in both the college buildings as commons, or lodging rooms for the students. Boarding although it is obtained very low at Bloomington, is the most expensive item in the education of a young man.

In some of the most respectable colleges in the United States, it has become the practice for ten or twelve young men to

time, and from time to time purchase articles of diet in market, and hire some person to cook, and keep a table for them, and in this way, their boarding does not cost them more than 50 or 62½ cents per week. To do this, however, they must have lodgings in the college buildings, and to provide such at as early a day as practicable, has been one main object with the Board of Trustees, in erecting the present large college edifice. These are all the improvements on the college premises, which are in other respects entirely naked and unimproved, not having around them an enclosure of any kind, the determination being to expend upon no object but what will have a tendency to add to the usefulness and character of the institution. The college has a library containing 235 volumes, so assorted as to embrace History, Geography, Belles Lettres, and treatises on Chemistry, and mental and moral Philosophy.

The books are all new, and of the most approved authors, and estimated as being very low at 600 dollars. These books were obtained for the college by the instrumentality of Mr. Wylie, the president, whilst on a tour preparatory to his taking charge of it, and have not cost the state or the institution a solitary cent, having been gratuitously presented to him in his official capacity by various donors in the middle & eastern states; one gentleman alone, Arthur Tappan, of N. York, made a present of 100 dollars, an act of liberality entitled to, as it has received the especial thanks of the Board. There are two globes, one terrestrial and the other celestial, purchased by the Board for 31 dollars, but is painful to the Board to be compelled to state that the college has no Philosophical apparatus.

The professors cannot discharge their duties as they would wish, indeed they can with but great difficulty get along without the apparatus, and as the funds at the disposal of the Board will not at present warrant the required expenditures, it is hoped that the General Assembly will aid, by an appropriation. What is there more calculated to expand the mind and enlighten it, than the study and developements of experimental philosophy? Nature cannot be comprehended without its aid; and will the General Assembly, the guardians of this institution, who are bound as they love and respect the state, to protect, foster and exalt it; will they stand still whilst strangers at the distance of a thousand miles are generously giving it an impulse in its march onward? This Board will continue to entertain a very different expectation. The faculty of the college consists of a President, Andrew Wylie, two other professors, Baynard R. Hall, and John H. Harney; and besides these, a tutor, William H. Stockwell, who has been employed from time to time.

The compensation of the President is 1000 dollars, and one third of the tuition fees, not to exceed 1,300 dollars, of the other professors 400 dollars each, and one-third of the tuition fees, not to exceed 650 dollars each, but the aggregate of these sums has never been reached in any case. The tutor receives nothing for his services but an exemption from the payment of the tuition fee (which is 7 dollars 50 cents per session) and an equal participation with the students in the means of acquiring information.

The number of students in college is 57 ;34 of whom reside in Indiana, 10 in Kentucky, 8 in Pennsylvania, one in Tennessee, one in Mississippi, 1 in Louisiana, 1 in Illinois, and 1 in Missouri. This time a year ago, the whole number of students was only 30.

The Board have now to report on the next requirement of the joint resolution of the General Assembly, to wit: whether the 19th section of the act establishing the college, has been complied with, which section forbids the introduction into the college of sectarian tests, and the inculcation of sectarian principles. The Board disclaim the slightest knowledge of any such abuses.

The Board do not sustain the present faculty on account of any religious opinions they may profess, but for their literary attainments, their exalted qualifications, their particular adaptation to the stations which they fill.

They know of no cause of complaint against the faculty, but on the contrary believe that they have faithfully discharged their respective duties. If at any time the Board should find that the faculty or any member of it has been faithless to the important trusts confided to him, more especially if the attempt should be made in violation of the constitution of the college to teach 'sectarian tenets or principles,' to the students, the Board will promptly and fearlessly remove them. In addition to the obligation which the Board are under to their families, to the state, and by the oaths they have taken, to support the the constitution or charter of the college, to prevent the introduction of sectarian tests and qualifications, it will be perceived by the General Assembly, that the institution at this time derives a further guarantee from the religious complexion of the Board of Trustees, the members whereof are as follows;

David H. Maxwell, Pres't. Monroe co.

William Hendricks, Jefferson co.

Williamson Dunn do. co.

Rev. John Strange do. do.

George H. Dunn, Dearborn,	do.
John Law, Knox	"
Thomas H. Blake, Vigo	"
Seth M. Levenworth, Crawford	"
Ratliff Boone, Warrick	"
Jonathan Nichols, Monroe	"
James Blair, do.	"
William Banister, do.	"
Rev. Leroy Mayfield, do.	"
Ovid Butler, Shelby,	"
B. F. Morris, Marion,	"

Of this Board it is believed 4 are Presbyterians, or at least were so educated; 4 Protestant Episcopalians; 3 Baptists; 2 Methodists; 1 Covenanter, and 1 a member of the *Christian* society or church. Out of such a mixture of religious opinion, it cannot reasonably be supposed, that a majority could be prevailed upon to establish, or in any respect to countenance a sectarian domination;

All which is respectfully submitted.

The foregoing report was presented to the Board by Messrs. Blake, Hendricks and Dunn, of Dearborn, being a committee appointed to draft the same, and adopted by the Board *nem con.*—

Whereupon it was

Ordered, That the President of the Board do transmit copies of the same, directed to the President of the Senate, and Speaker of the House of Representatives, at the ensuing session of the General Assembly, with a request that they lay the same before the Houses over which they respectively preside.

Done by order of the Board.

D. H. MAXWELL, *Pres't*
of the Board Trust's. Ind. Coll.

Bloomington, Oct. 28, 1830.

A communication was received from the Governor by Mr. Heylin, his private secretary, as follows:

EXECUTIVE DEPARTMENT, }
Indianapolis, Ind., Dec. 8, 1830. }

HON. SPEAKER OF THE

House of Representatives,

SIR: According to a promise, in my first communication to the legislature, I now submit to the House, over which you have the honour to preside, correct copies of the several letters I addressed to the Secretary of War and the Road Commis-

sioners, within the past season, on the subject of lands granted by treaty and an act of Congress, to the state of Indiana; to which I have annexed two letters from Governor Cass and General Tipton, as evidence of the intention of the contracting parties, to the said treaty, relative to the lands granted for the Michigan and Ohio road, which are as follows, to wit:

“EXECUTIVE DEPARTMENT, }
Indianapolis, Ind., Feb. 10, 1830. }

HON. JOHN H. EATON,
Secretary of War:

SIR—Having been requested by the General Assembly of the state of Indiana, to open a correspondence and negotiation with the proper authorities of the General Government, and ascertain, as nearly as possible, *when* and *how* the lands donated by treaty and an act of Congress to the state of Indiana to open said road, are to be surveyed; and whether they are to be surveyed by the state of Indiana or the General Government; and urge the immediate survey of the same by the General Government: and take all such other steps, and measures necessary, to cause the same to be surveyed and made ready for market, on or before the first Monday of December next,” I now address you on the subject. I have given a quotation from the act itself, by which you can see what kind of information and action are required. The main proposition is, will the United States survey the lands alluded to? And if so, *when* and *how*? The route of the road has been established, and the state is anxious to procure a survey of the lands by the General Government as soon as practicable, in order that our next legislature may offer them for sale. The facility, dispatch, and accuracy with which the United States may survey these lands, under their authority, lead us to hope, that the state will be relieved from the burthen and trouble of the task. A board of commissioners have been organized, to proceed immediately, upon the notification of the Governor, to the selection of these lands, on his being informed that the General Government will undertake their survey, &c. Anxiously wishing that the generosity of the General Government may not suffer in this instance, in comparison with her usual accommodating spirit.

I am sir, very respectfully,
your ob’t servant,

J. B. RAY.”

“EXECUTIVE DEPARTMENT, }
Indianapolis, Ind., July 8, 1830. }

HON. JOHN H. EATON,
Secretary of War:

SIR—Being required by an act of the last General Assembly

bly of the state of Indiana, to open a correspondence and negotiation, with the proper authorities of the General Government, and ascertain as *nearly* as possible, *when* and *how* the lands donated by treaty and an act of Congress to the state of Indiana, to open a road, are to be surveyed, and whether they are to be surveyed by the state of Indiana or the General Government, and to urge the immediate survey of the same by the General Government, and take all such other steps and measures, necessary to cause the same to be surveyed and made ready for market, on or before the first Monday of December next—I *did*, in obedience to the said law, address you a letter on the 10th February, 1830, calling your attention to the aforementioned subject, and requesting a compliance, on the part of the United States' government, with the wishes of the legislature of Indiana, relative to the said survey; but after waiting with impatience for several months for a reply, I am now constrained to inform you that none has come to hand.

Supposing that the mail may have mismanaged my first communication, on its way to Washington, I have deemed it most proper to address you again. You will perceive by the above quotation from the act itself, that it is the desire of the state of Indiana, that the lands which were granted by the treaty of 1826, by the Pottawatamie tribe of Indians, to make a road from Lake Michigan to the Ohio river, may be surveyed by the authority of the General Government.

The route of the road has been established, and the state is anxious to procure a survey of the said lands by the United States, as soon as practicable, in order that our next legislature may offer them for sale. The facility, dispatch, and accuracy, with which the United States may survey these lands, lead us to a hope, that the state will be relieved from the burthen and trouble of the task. A board of commissioners, whose duty it is to proceed immediately upon the notification of the Governor to the *selection* of these lands, and if not surveyed by the United States, to their surveys, is now awaiting the determination of the United States' Government, on this matter. We are now the more solicitous for a speedy adjustment of the subject, since the country is already offered for sale by the United States, out of which selections of land will doubtless be made, to a great extent, by this state, under the authority of said treaty; for it is of much consequence to the state of Indiana, that the whole of the aforesaid lands should be surveyed and selected prior to the United States' sales, ordered for the ensuing fall. Should the country which is now offered for sale, be *actually* sold before our treaty lands are surveyed and selected,

it may occasion much difficulty between the conflicting claims of the United States or their purchasers, and those of the state to the same lands. After surveying the lands in question, if the United States wish to have any agency in their selection, she can do so, by forthwith sending a commissioner or agent, to act in concert with the commissioners of Indiana, now ready to commence operations but for the want of the decision of the United States' Government. Whether she will send us a surveyor to survey the said lands; or whether they must be surveyed by the state? An early reply will be expected.

I may here add as a reason for the solicitude herein expressed, that contracts will be made in a few days for improving said road upon the faith that the lands in question, will be *surveyed*, *selected* and prepared for sale by the 1st of December next.

I have the honor to be, sir,
very respectfully your ob't serv't.

J. B. RAY.

"INDIANAPOLIS, IA. Nov. 1, 1830.

Hon. Secretary of War:

SIR—Circumstances make it necessary, for me to ask you to inform me whether you received two letters from me within the last season, or at any time within the last summer, relative to the surveying and selection of the lands granted by treaty to make a road in this state from Lake Michigan to the Ohio river.

I have the honor to be, &c.

J. B. RAY.

The following is a note from the commissioners of the road, at the date of which I informed them all verbally, that I had written to the Secretary of War and received no answer, on the subject of the lands, but would write again immediately, after waiting a reasonable time for an answer to my first letter.

INDIANAPOLIS, 3rd June, 1830.

Dear Sir—We have to request you to give us the earliest information it may be in your power to obtain from the War Department respecting the selection of the lands donated by Congress, for opening and constructing the Michigan road, as it may become important that the selection should be made at an early period. We will consider it as a particular favor if you will condescend to notify us as soon as you receive our communication from the Department on this subject.

Very Respectfully, your ob't serv'ts,
SAM'L HANNA,
WM. POLKE,
AB'M McCLELLAND,

To which, after waiting until there was about time enough for the commissioners to do their duty in, for answers from the War Department, I made the following reply:

EXECUTIVE DEPARTMENT,
Inds. Ind. Sept. 6, 1830. }

Messrs.

SAMUEL HANNA,
WILLIAM POLKE,
ABM. McCLELLAND, } *Michigan road commiss-*
sioners.

Gentlemen—Permit me to repeat to you, a statement of facts relative to the duties I have performed by virtue of the 3rd and 4th sections of an act to establish a state road from lake Michigan, by way of Indianapolis, to some convenient point on the Ohio river, approved, January 13, 1830, and the result of my agency for the state. On the 10th of February, 1830, I mailed a letter at Indianapolis for the Secretary of War, in compliance with all of the requisitions of the said act. On the 3rd of June last the commissioners were at my office in Indianapolis, at which time I informed them that I had not yet received an answer to my communication, and consequently was not yet in possession of the views of the United States' Government, relative to the subject of the negotiation, but that if I received no answer in a short time, I would again address the proper authorities at Washington, on the subject. On the 8th of July 1830, I renewed the correspondence by a second letter, and have yet received no answer to it. In the first part of the month of August last, I had an interview with Samuel Hanna, one of the said commissioners, and informed him that I had yet received no information from Washington, and then gave him my opinion, that as the season was wearing away, and as some of the lands which might be selected, might be sold in the fall by the United States, I thought it important that the commissioners should not delay further to commence operations. I also then informed him that it was the province of the commissioners to employ a surveyor, &c., and to proceed to business. To my view Mr. Hanna assented, and stated, that he would immediately correspond with the other commissioners, with a view to the meeting of the Board and a speedy commencement of the service.

In this letter I am aware that I am but relating most of what has been long since in possession of the commissioners; but as some attempts have been made to censure me for omissions of duty, I have thought proper to place a statement of facts in writing before you. By the 4th section of said act, I am re-

quired to notify you when to proceed to the selection of the lands, on the *condition* that the General Government *agreed* to survey them; but as she has *not* agreed to survey them, the law does not authorise me to act. Again, the next section authorises me to notify the commissioners to employ surveyors, markers, and chain-bearers, if the United States *refused* to survey the lands, in order that you might carry the intention of the law into effect. Now, inasmuch as the United States have neither *refused* or *agreed* to complete the survey, I am clearly in this instance left without authority to act, also. But, I believe that the spirit of the law will authorise you (as I told Mr. Hanna,) to proceed to the employment of surveyors, markers, and chain-bearers, and to survey and select the lands according to the acts' provisions.

My opinion is the same *now* as it was in June—that with or without any thing specific from the General Government, you might carry the intention of the legislature into effect in regard to these lands. The present time to survey and select the lands, is one favorable to the interests of the state, and your energies are a sufficient guarantee, that both objects will be effected in due time.

I have the honor to be, very respectfully,
your obedient servant.

J. B. RAY.

ST. JOSEPH, Sept. 18, 1827

Dear Sir—Your letter of August 25, reached Detroit the day before my departure. I had not time to attend to it then, and in truth I have not much to spare here, but my anxiety to comply with your request in the statement of such facts, concerning the transaction at the Wabash last autumn, as are within my knowledge, and material to a correct estimate of your conduct as a public officer, induces me to address you from this place. I am always unwilling to interfere in any dispute involving political views or feelings. Whether as you suppose, these mingle in the statements which have been made upon this subject, I have not the means of judging, and at any rate, your demand of my testimony, is too earnest to be resisted. To some of your questions I cannot give definite answers, because, in some instances, the facts were not known to me, and in others my recollection has become indistinct by the occurrence of more recent events. My general impression, however, is clear that you were extremely anxious to accomplish the objects of your mission, and to obtain important ad-

antages for the state of Indiana. You attempted, and at one time expected to procure an entire session of Indian lands within the state, and I imagine that the impressions respecting the concealment of any part of the proceedings relating to the treaty, resulted from your views in this subject and upon the question concerning the provision for a *canal*. You were inclined to think that if these objects could not be accomplished, it would be better to break off the negotiation. General Tipton and myself determined at an early stage of the proceedings to make the best treaty we could, and if any reasonable cession could be obtained to accept it and refer the final decision to the President and Senate; but not to take the responsibility of departing without signing a treaty. This view was fully communicated to you, and I am not aware of any fact in the progress of the treaty, which was not fully discussed by all of the commissioners. It is possible that the zeal you felt for the interest of the state, led you to adhere to these two points I have mentioned, longer than the other commissioners deemed it prudent; and *perhaps* more time was spent in the negotiation, than would otherwise have been done, and the event rendered somewhat more doubtful; but *certainly* these objects were **VASTLY** important to the state, and their accomplishment would have repaid any *time* or risk devoted to them.

The *canal* and the *road* were favorite projects with you. With whom the first idea respecting the road originated, I do not know. I know it was supported by you with great zeal, and the article making provision for it, was written by you nearly as it stands in the treaty. Your horse was presented to an Indian, but of his value I know nothing. He appeared to be an elegant animal, and the possessor seemed very fond of him. The allowance to commissioners negotiating Indian treaties, is eight dollars a day for every day's employment, and eight dollars for every twenty miles travel. I understood that you and Gen. Tipton travelled through the Indian country to select the site for the council. This constituted a very proper subject of charge, and together with the travel to and from the treaty, no doubt rendered your account higher than it otherwise would have been. But it was a duty necessary to be performed. For myself I can freely say that during the whole negotiation, I conversed with you daily, and almost hourly; that I found you zealous and even anxious, and willing to take your full share of responsibility, and as ready as others to suggest such measures as appeared best calculated to obviate difficulties. There was nothing in your conduct which met my eye that was not *honorable* and proper, and if our exertions were ultimately crowned

with success, you are entitled to a just *share* of the credit.

With much respect, I am, &c.

LEW. CASS.

J. B. RAY.

FORT WAYNE, 26th Oct. 1827.

DEAR SIR—

Since my letter of the 1st of last month, I have conversed partially with his Excellency, Gov. Cass, on the subject of the certificate about which you had severally addressed us. Being engaged in public business, we had not an opportunity of writing while together, and I employ leisure moment to comply with your request as far as my very imperfect recollection of the occurrences of events enable me. To some of your interrogatories, I cannot give definite answers, because the facts are not within my knowledge, and in others my recollection has been too indistinct by the occurrence of more recent events over which I have no control. My general impression has ever been, that you were extremely anxious to accomplish the object of your mission. You attempted with great zeal to obtain a general extinguishment of Indian title to land within the state, and expressed an opinion that if it could not be accomplished, it would be best to break off the negotiation: but Governor Cass and myself concluded at an early day after we met, to make the best treaty we could, and to submit its ultimate decision to the President and Senate, and allow you to sign or dissent.

This view was communicated to you by one or both of us. The *canal* and road were also a favorite project with you, and were urged with much warmth. Your anxiety to obtain them caused you to pursue those objects longer than Governor Cass and myself thought prudent; and I have thought more time was spent than need have been, and our success rendered much more doubtful thereby. I cannot say particularly with whom the *road* project originated. You advocated it with zeal and warmth and wrote the article making that provision nearly as it now appears in the treaty. We conversed freely and frequently on the size and shape of the country finally purchased, as well as the price paid for it; and the *road* and *canal* privilege, assumed almost every possible shape during the negotiation.

I always found you ready and willing to take your share of responsibility, and to make any suggestions as appeared to you best qualified to obtain our object: and when we differed, I attributed it to mere difference of opinion, and have seldom if ever spoken of it publicly. I have said to your friends and to your

enemies, that I thought you done all in your power, and that no part of your conduct met my eye that was dishonorable.

Your obedient servant,

JOHN TIFTON.

His Exc'y, J. B. RAY.

The first, except the two last, letters speak for themselves. The *two last* from Governor Cass and General Tipton, though obtained for a different object, and never before published, entire, now happily serve my purpose, to shew some important facts relative to the procurement of the Michigan road grant, by treaty, and will shed a stream of light upon the real intention of the treaty. It will be recollected, that the last above named gentlemen and myself were the negotiators of the treaty for the United States. Against the position taken, that this land was a *voluntary* grant from the Indians, without any dependence upon the balance of the treaty, and not a part of the consideration in which the treaty was based, we opposed our joint declaration, that it was a subject, which, for its magnitude, delayed the general cession of land to the United States, until, as a *sine qua non*, it became a part of the instrument; and that that, and the canal grant, were insisted upon, with firmness, until the Indians yielded their obstinate resistance to the grant under notice. Against the notion, that it was a "distinct and separate cession," out of the remaining Indian lands, it is made clear, that it entered as much into the calculations of all parties as any other portion of the instrument. It was not without its valuable considerations. If it delayed the treaty, though worth ten times that delay, it cost something. It was not a free will gift without a *quid pro quo*. If it cost the United States a small amount, it is a national work; was so considered by the treaty making power and by the Senate, or it would not have been ratified.

Some uncharitable persons, in the public prints and elsewhere, have insinuated that I have failed to do my duty, with regard to this road grant, under the law of last year, out of hostility to the road and for other causes. With about the same propriety, and *without evidence*, they may charge me with murdering my own child. Where is the testimony for my opposition to it to be found? Is it to be seen, in my first, of all others, *concerning* this work and the way to procure the means to make it? Then advocating it for the benefit of the state at the treaty ground, with what powers and skill I was master of, though then in the employ of the United States—Then drawing up the article, and taking upon myself the responsibility, (for which I have been liberally censured) of making its inser-

tion in the treaty, a point not to be yielded, whilst there was a ray of hope for its success? And *then* at last, by great exertions with the Indians, procuring its adoption, subject to predictions, from the right and from the left, that it was so unheard of a procedure, that it would destroy the treaty? Is it known from any thing which I have said or written? What reason is there that I should feel less friendly to this noble project *now* than when to procure it *first*, I felt willing to give up a portion of my character to obtain it? Is it negligence that I am charged with in this respect? Who ever knew me to neglect any matter confided to me? Why more negligent in the performance of every necessary duty, so as to apply the grant, agreeably to the original design, than when so much labor and anxiety was bestowed to obtain it? Have I not had increased cause for fresh gratitude to the state, since 1827, by the election of 1828. How can I be gratified or benefitted in doing any thing, to stay the progress of this road, or injure contractors on it, some of whom are my good friends. Has my memory deserted me within the past season, so that I had forgotten to open the correspondence required? Did the Road Commissioner then refresh it in June? Did it fail me again, or did I maliciously all in a moment, turn a traitor to the state? It is of the lowest grade of meanness to *praise* or *censure* at random—without knowing or wishing to know the ground to justify it. To blacken character upon *conjectures*, bears affinity to the discharge of a loaded gun into an assembly of people, without any particular object but to do mischief.

What a stimulus it is to public men, after toiling for years, first to *achieve* and then to consummate a great benefaction for a community, to be accused in the midst of their best exertions, with a graceless imprudence of being treacherous concerning the object of their pursuit. When *punishments* are substituted for *rewards*, and winked at from any incentive, how long will patriotism and virtue, with proud and elevated standard, rule the state? Let justice be done if the heavens fall.

I have the honor to be,

Very respectfully,

Your ob'dt serv't,

J. B. RAY.

N. B. That I have not neglected to do my duty, as above stated, must depend upon my own testimony. In this, as in all other instances of public service of mine, I have **PERSONALLY** done my business, myself. I keep no clerk, private secretary or amanuensis—have no witnesses to prove what I do.

Respectfully, &c.

JAMES B. RAY.

Which communication was read, when

Mr. Boon moved to refer the same to the committee on roads:

Which motion was decided in the negative.

Mr. Wallace, of J. moved to refer said communication to a select committee;

Which motion was carried in the affirmative;

Whereupon,

Messrs. Wallace of J., Wallace of F., Hall, Herod and Kinney, were appointed that committee.

A message was received from the Senate by Mr. Morris, their assistant secretary, announcing

That the Senate have passed engrossed joint resolutions of the following titles, to-wit:

"An engrossed joint resolution to extend time to the commissioners of the Michigan road to report their proceedings;" and,

"An engrossed joint resolution, authorising the District Court of the United States, to hold its session in the house erected upon the governor's circle, during the present session of the General Assembly." In which joint resolutions I am requested to ask the concurrence of the House of Representatives;

Which were severally read the first, second, and third times (the rules of the House having first been dispensed with,) and passed.

Ordered, That the clerk inform the Senate thereof.

The speaker laid before the House, two several communications from the clerks of Floyd and Warrick counties respectively, upon the subject of county seminary funds;

Which were read and referred to the committee on education.

Mr. Long presented a petition of Abraham Elliott, and others, praying a change in part of the State road leading from Newcastle to Crawfordsville—

Which was read and referred to the committee on roads.

Mr. Finley presented a petition of George Hunt, and others, citizens of Wayne county, praying a memorial to Congress for the relief of John Burk, a revolutionary soldier—

Which was read, and referred to a select committee of Messrs. Finley, Ferris, and Reid of F.,

Mr. Boon presented a petition of Nathan Sharp and Alexander Blackburn, praying certain relief to the heirs of Westley Harrison, deceased—

Which was read, and referred to the judiciary committee.

Mr. Bussel presented a petition from James Hackleman and others, praying relief to George Pee, and accompanying documents;

Which were read, and referred to the committee on roads.

Mr. Wallace, of F., presented a petition of Daniel St. John and others, praying an act to enable the stock-holders of the State bank of Indiana, formerly located at Vincennes, to settle the concerns of said bank;

Which was read, and referred to the committee on the judiciary.

Mr. Lowry presented a petition of Samuel A. Keith, and others, praying an appropriation of a part of the three per cent. fund to the improvement of the south fork of the Muscokituk river;

Which was read, and referred to a select committee, of Messrs. Lowry, Soper, Herod and Hamilton.

Mr. Ferris presented a petition of sundry citizens of township 6, range three west, in Dearborn county, praying relief to the lessees of the school section in said township;

Which was read, and referred to a select committee of Messrs. Ferris, Armstrong and Pollock.

Mr. Boon presented a petition of Benjamin Jones, and others, for relief to said Jones;

Which was read, and referred to the committee on roads.

Mr. Wallace, of F., presented a petition of Joseph Nicholas, and others, praying an appropriation from the three per cent. fund, upon the State Road from Rushville to Indianapolis;

Which was read, and referred to the committee on roads.

Mr. Holman presented a petition of sundry citizens of Elkhart county, praying a state road from Logansport to the northern boundary of the state in the direction of Pidgeon Prairie;

Which was read, and referred to the committee on roads.

Mr. Holman presented a petition of sundry citizens of Elkhart county, praying the appointment of commissioners to relocate their county seat; which was read and referred to a select committee of Messrs. Holman, Beard and Gardner.

Mr. Semans presented the petition of Abner Van Matre and others, praying a repeal of the law of last session, entitled "An act regulating Medical Societies;" which was read and referred to a select committee of Messrs. Semans, Hoover, Hendricks, Logan and Levenworth.

Mr. Crume presented three several petitions of sundry citizens of this state, of the same purport, with the one last mentioned, which were read and referred to the same select committee.

Mr. Long presented a similar petition of Achilles Morris, jr. and others;

Which was read and referred to the same select committee.

On motion of Mr. Elliot,

Resolved, That a committee of two be appointed on the part of this House as a committee of enrolled bills, to act with a similar committee, to be appointed on the part of the Senate;

Whereupon,

Messrs. Elliott and Worth were appointed such committee.

Mr. Bussell moved the following resolution, viz:

Resolved, That a select committee be appointed to enquire into the expediency of memorializing Congress for the purpose of obtaining a sufficient donation of the unappropriated lands, to make a good and sufficient turnpike road from Indianapolis, by Rushville and Connersville, to the state line at Harrison.

Mr. Holman moved to amend said resolution by adding the words, "and from Indianapolis to the southern bend of the St. Joseph river."

Mr. Beard moved to amend said amendment, by striking out the words, "southern bend of the St. Joseph river," and inserting in lieu thereof, the words, "state line in the direction of Chicago;"

Which motion was decided in the negative: And,

On motion of Mr. Reiley,

Said resolution and proposed amendment were ordered to lie on the table.

On motion of Mr. Ferris,

The communication of the secretary of state, made in pursuance of an act of the 30th January 1830, entitled "an act to provide for the distribution of the laws and journals and for other purposes," which was laid on the table yesterday, was taken up and referred to the committee of ways and means.

On motion of Mr. Dumont,

Resolved, That the judiciary committee be instructed to enquire into the necessity of revising the various statute laws of this state, with leave to report by bill or otherwise.

On motion of Mr. Armstrong,

The resolution presented by him, on yesterday, on the subject of an amendment to the 12th section of an act defining the duties of recorders, &c. was taken up and adopted.

Mr. Dumont, from the select committee to which was referred the petition of sundry citizens of Switzerland county, respecting the selection of a site for the building of a bridge over Plumb creek, reported "a bill supplemental to an act for the appropriation of money to aid in building a bridge over Plumb

creek;" which was read the first and second times (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time to-morrow.

The House then proceeded to consider the orders of the day.

The joint resolution on the subject of printing and publishing the journals, was read the second time; when

Mr. Ferris moved to indefinitely postpone the further consideration of the same;

Which motion was carried in the affirmative.

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Wallace of J. moved to amend the 10th rule of this House, agreeably to the notice given, by him, on yesterday;

Which motion was decided in the negative.

Mr. Hoover moved the following resolution:

Resolved, That the public printer be and he is hereby authorised to print nine hundred copies of the Journals of this House, for the use of the members thereof, to be distributed as may be directed by the General Assembly, and that the clerks furnish said printer with manuscript copies of said Journal, daily, as soon after being read as possible; when

Mr. Hillis moved to amend the same, by striking out the word "nine" and inserting, in lieu thereof, the word "thirteen;"

Which motion was decided in the negative.

The question then recurring on the adoption of said resolution;

It was carried in the affirmative.

Mr. Logan moved the following resolution, which was read and laid on the table:

Resolved, That so much of the Governor's message as relates to the Secretary of War forwarding to this state one hundred and seventy-nine copies of Artillery, and two thousand one hundred and seventy-two of Infantry tactics; which are subject to distribution by this General Assembly, be referred to the committee on military affairs.

On motion of Mr. Wallace of J.,

The resolution presented by him, on yesterday, on the subject of electing circuit judges, &c. was taken up; when

Mr. Herod moved to amend said resolution by striking out

the word "to-morrow," and inserting in lieu thereof the word "Saturday"—Mr. Ferris proposed "Wednesday," and before the question was put on said amendment,

Mr. Beard moved to lay said resolution and proposed amendment on the table;

Which motion was carried in the affirmative.

Mr. Gardner moved the following resolution, which was read and laid on the table:

Resolved, That the House of Representatives will meet the Senate to-morrow, at 10 o'clock, A. M., in the Hall of the House of Representatives, for the purpose of electing a United States' Senator, and that the Senate be informed of this resolution and their concurrence requested.

Mr. Ferris moved that the message of his excellency the Governor be committed to a committee of the whole House and made the order of the day for Friday next;

Which motion was decided in the negative.

Mr. Ferris moved that the message of the Governor be submitted to a committee of the whole House and made the order of the day for to-morrow.

Mr. Hillis moved to amend said motion, by striking out the word "to-morrow," and inserting in lieu thereof, the words "Saturday next;"

Which motion was decided in the negative.

The question then recurring, on the motion of Mr. Ferris; It was decided in the negative.

Mr. Dumont moved the following resolution:

Resolved, That so much of the Governor's message as relates to imprisonment for debt, capital punishments, and the length of time that a public officer should be absent from his county or the state to authorize a new election, be referred to the committee on the judiciary;

Which motion was decided in the negative.

Mr. Boon moved that the Governor's message be committed to a committee of the whole House, and made the order of the day for this day, now;

Which motion was decided in the negative.

And then the House adjourned till to-morrow morning at nine o'clock.

THURSDAY MORNING, DECEMBER, 9, 1830.

The House met pursuant to adjournment.

The speaker laid before the House the following communication from the State Librarian:

"OFFICE OF STATE LIBRARIAN, }
December 8, 1830. }

The Secretary of State, discharging the duty of State Librarian, reports to the House of Representatives, that there has been added to the library since the last annual report, Rees' Cyclopædia, in 47 vols. quarto, at the sum of \$115.

Respectfully submitted.

JAMES MORRISON."

The Speaker laid before the House, a communication from the Clerk of the Montgomery Circuit Court; and also a communication from the trustees of the seminary fund, for Decatur county, upon the subject of the seminary funds of said counties respectively; which were read, and together with the foregoing communication, were

Ordered to be referred to the committee on education.

Mr. Long presented a petition of Mesach Lewelling and others, praying a repeal of "the Act regulating medical societies;"

Which was read and referred to the same select committee, to which former petitions on that subject, were referred.

Mr. Finley presented a petition of sundry inhabitants of congressional township No. 13, in the county of Wayne, praying an act to legalise the sale of the school section in said township;

Which was read, and referred to the committee on education.

Mr. Hendricks presented a petition of sundry citizens of Decatur, Shelby and Bartholomew counties, for an appropriation of money to improve the navigation of Big Flat Rock;

Which was read and referred to a select committee of Messrs. Hendricks, Smiley and Herod.

Mr. Holman presented a petition from sundry citizens of Allen county, praying the re-establishment of a part of the State road leading from Fort Wayne in the direction of Fort Defiance, heretofore vacated; and for an appropriation of money on said road;

Which, with an accompanying document, was read, and referred to the committee on roads.

Mr. Boon presented a petition of Bailey Johnson, former collector for Sullivan county, praying relief, and that the town of Busseron may be vacated:

Also the remonstrance of John Duley against vacating said town;

Which were severally read, and referred to the judiciary committee.

Mr. Stewart presented a petition of James Ferris, praying relief;

Which was read, and referred to the committee on claims.

Mr. Reiley presented a petition of Solomon Shuler, praying relief, with an accompanying document;

Which were read, and referred to a select committee of Messrs. Reiley, Read of D. and M., and Hall.

Mr. Russell presented two several petitions of sundry citizens of this state, praying a repeal of the "Act regulating medical societies;"

Which were read, and referred to the same select committee, to which former petitions in that subject, were referred.

Mr. Russell presented a petition of John Smith, John Crowso, and Jacob Crowso and others, praying relief to the individuals above named;

Which was read, and referred to the committee on the Judiciary.

Mr. Casey presented a memorial of sundry citizens of Posey county, praying the establishment of a system of free and equal education;

Which was read, and referred to the committee on education.

Mr. Beard presented a petition of William Bush, and others, citizens of Tippecanoe county, praying that the names of the contiguous towns of Marquis and Fairfield, may be changed to "Dayton;"

Which was read and referred to the committee on the judiciary.

Mr. Levenworth presented a petition of William R. Reynolds, for relief;

Which was read, and referred to the committee on claims.

Mr. McNary presented a petition of Lewis H. Sands and others, citizens of Putnam county, praying a change in the mode of doing county business;

Which was read and referred to a select committee, of Messrs. McNary, Galletely and Owens.

A message from the Senate by Mr. Morris, their assistant secretary:

Mr. Speaker—I am instructed by the Senate to inform the House of Representatives, that that they have elected Joseph Chambers sergeant at arms.

Mr. Holman presented a petition of Francis Comparill, and others, praying a memorial to Congress for a donation of lands to aid in constructing a road from Lawrenceburg to the southern bend of the St. Joseph River;

Which was read, and referred to the same select committee to which was referred a former petition on the same subject.

Mr. Crume presented a petition of Enoch Applegate and others, praying a state road from Connersville, via Philpot's mill to the national turnpike at Blue river:

Which was read and referred to the committee on roads.

Mr. Crume presented two petitions of sundry citizens of Fayette, Rush and Henry counties, praying a state road from Connersville to Louisville, in Henry county;

Which were read and referred to the committee on roads.

Mr. Ferris from the select committee to which was referred the petition of John J. Akin, and others, reported a bill confirming to John J. Akin, Alexander Walker and John J. Livingston, certain rights;

Which was read the first time, and passed to a second reading to-morrow.

Mr. Finley moved the following resolution, which was adopted, viz:

WHEREAS, much inconvenience and delay is felt in many of the populous townships in this state, in receiving and counting out votes at the general elections; Therefore,

Resolved, That the committee on elections be instructed to enquire into the expediency of so amending the law regulating general elections, as to allow additional inspectors, judges and clerks in all townships giving more than votes.

On motion of Mr. Long,

Resolved, That the committee on military affairs be instructed to enquire into the expediency of revising the militia law.

On motion of Mr. Bussell,

Resolved, That the committee on education be instructed to enquire into the expediency of so amending the law regulating the school fund in the several counties in this state, as to authorize the commissioner of said fund to pay to the several trustees in their respective counties annually, the interest arising from the sales of the land designated by government for the use of schools, to the trustees elected to conduct the same, to be by them appropriated for the use of schools in their respective townships, and report the same to this House.

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On motion of Mr. Soper,

Resolved, That the committee on military affairs be instructed to enquire into the expediency of so amending the law regulating the election of regimental officers; that the elections for said officers, be hereafter held at the usual places of mustering the companies, and that said committee have leave to report by bill or otherwise.

Mr. McNary moved the following resolution, viz:

Resolved, The committee of ways and means be instructed to inquire into the expediency of so amending the present revenue law as to reduce the existing poll tax from thirty-seven and a half cents, to twenty-five cents on all after assessments; and report by bill or otherwise.

Mr. Dumont moved to amend said resolution so as to instruct said committee to enquire into the expediency of abolishing the poll tax;

Which motion was decided in the negative.

The question then recurring on the adoption of the resolution, it was decided in the negative.

On motion of Mr. Reiley,

Resolved, That a select committee of five be appointed with instructions to report a bill for the purpose of establishing a uniform mode of doing county business.

Ordered, That Messrs. Reiley, Kinney, McPheeters, Hillis and Hoover, be that committee.

On motion of Mr. Roe,

Resolved, That the committee on military affairs be instructed to enquire into the expediency of authorizing commandants of regiments to recover by civil process, all the public arms in their respective regiments, with leave to report by bill or otherwise.

On motion of Mr. Parks,

Resolved, That the judiciary committee be instructed to enquire into the expediency of passing a law to prevent the migration of free persons of colour to this state, with leave to report by bill or otherwise.

On motion of Mr. Elliott,

Resolved, That the judiciary committee be instructed to enquire into the expediency of so amending the law regulating seminaries as to authorize some person to receive deeds of conveyance for land on which said locations are made.

Mr. Wright moved the following resolution:

Resolved, That the committee on education be instructed to enquire into the expediency of so amending the act which provides for the sale of the sixteenth section in each Congressional

township, as to authorize a less number than a majority of voters to sell the same;

Which was read—and the question being put, “Shall said resolution be adopted?”

It was decided in the negative.

On motion of Mr. Boon,

Resolved, That whenever a member of this House introduces any business which is referred to any of the standing committees, such member shall be one of that committee, while the subject matter of the reference is under investigation.

On motion of Mr. Craig,

Resolved, That the committee on roads be instructed to enquire into the propriety of changing the labour of convicts, to work on state roads.

On motion of Mr. Hall,

Resolved, That the judiciary committee be instructed to enquire into the expediency of authorizing a judge in vacation to grant an order staying proceedings on writs of execution, until the next term of the court from which the execution issued.

On motion of Mr. Ferris,

Resolved, That the committee of ways and means be instructed to enquire into the expediency of reporting a bill to provide for a general assessment of taxable property in this state, with its valuation, preparatory to the adoption of a general system of taxation, according to the *ad valorem* plan of raising revenue.

Mr. Hoover, after having obtained leave, presented a bill authorizing an asylum in the county of Wayne; which was read the first time and passed to a second reading to-morrow.

Mr. M’Nary, after having obtained leave, presented a bill for the appropriation of money to aid in building a bridge over the Big fork of Wallnut, and to improve the navigation of Eel river.

Which was read the first time and passed to a second reading to-morrow.

The House then proceeded to consider the orders of the day.

The engrossed bill supplemental to “an act for the appropriation of money to aid in building a bridge over Plumb creek,” was read the third time and passed.

Ordered, That the same be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

And then the House adjourned till two o’clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The Speaker laid before the House two several communications from the trustees of the Seminary funds for the counties of Franklin and Randolph, on the subject of said semi ary funds; which were read and referred to the committee on education.

Mr. Dumont, after having obtained leave, presented a bill to provide for building a bridge over Indian creek in Switzerland county;

Which was read the first time and passed to a second reading to-morrow.

A message was received from the Governor, by Mr. Heylin his private secretary, as follows:

EXECUTIVE DEPARTMENT, }
Indianapolis, Ind., Dec. 9th, 1830. }

HON. SPEAKER OF THE
House of Representatives:

SIR—Since making my two last communications to the legislature of this state, I have received the enclosed letter from the Secretary of War, which I respectfully request to be annexed to my last address to the Senate. The accompanying letter of the Secretary of War acknowledges the receipt of the letters written to him by me, in compliance with the law of the last session, on the subject of the Michigan Road lands and their survey. Can it still be said that I have neglected this duty? Is the evidence I now submit sufficient to acquit me of censure?

I am sir, very respectfully,
your ob't servant,
JAMES B. RAY.

(COPY.)

DEPARTMENT OF WAR, }
Nov. 24th, 1830. }

SIR—Your communication of the 1st instant, as well as those of an *anterior* date, upon the subject of a survey of land, &c. in your state, have been received.

In answer I have the pleasure to inform you that the subject of your communication is before the Commissioner of the Gen-

eral Land Office, who will give it that attention the nature of the case requires.

Very respectfully,

J. H. EATON.

His Exc'y, J. B. RAY,
Gov. of Indiana."

Which was read and referred to the same select committee to which his communication of yesterday, on the same subject was referred.

On motion of Mr. Zenor,

The Governor's message was committed to a committee of the whole House, and made the order of the day for this day, now.

The House then resolved itself into a committee of the whole on the Governor's message; and after some time spent therein the Speaker resumed the chair and Mr. Hillis reported, that the committee of the whole have had the same under consideration and have adopted sundry resolutions thereto—as follows, to wit:

1. *Resolved*, That so much of the Governor's message as relates to vacancies created or supposed to be created by the absence of officers, be referred to the committee of elections.

2. *Resolved*, That so much thereof as relates to capital punishment and imprisonment for debt, be referred to the committee on the judiciary.

3. *Resolved*, That so much thereof as relates to the formation of a Circuit probate system, be referred to the judiciary committee.

4. *Resolved*, That so much thereof as relates to the Wabash and Erie canal and the lands donated by Congress for its construction, be referred to the committee on canals and internal improvements.

5. *Resolved*, That each of the several standing committees of this House, take into consideration such part of his Excellency the Governor's message, not otherwise disposed of, as to such committee may seem most properly to fall within its province, and that each of such committees shall have leave to report by bill or otherwise.

In which several resolutions he asked the concurrence of the House; and

The question being put, the House concurred therein generally.

And then the House adjourned till to-morrow morning at nine o'clock.

FRIDAY MORNING, DECEMBER 10, 1830.

The House met pursuant to adjournment.

Mr. Hendricks presented a petition of sundry citizens of Decatur county, praying authority to appropriate the interest arising from the purchase money of school section in township 9, range 9, to the support of schools in said township;

Which was read and referred to the committee on education.

Mr. Finley presented a petition of sundry citizens of the territory attached to Delaware county, praying a new county;

Which was read, and referred to the committee on the judiciary.

Mr. Levenworth presented a petition of E. Tadlock, praying relief; and accompanying documents;

Which were read, and referred to the committee on claims.

Mr. Gardner presented a petition of sundry citizens of Parke and Putnam counties, praying a change in part of the state road leading from Indianapolis via Danville and Rockville, to Montezuma, with accompanying documents;

Which were read and referred to the committee on roads.

Mr. Stewart presented a petition of the officers of the 32nd regiment Indiana militia, praying certain amendments to the militia laws;

Which was read and referred to the committee on military affairs.

Mr. Bell presented a petition of Thomas M. Pendleton, and others, praying farther legislative provision to prevent the disturbance of religious congregations met for worship;

Which was read, and referred to a select committee of Messrs. Bell, Wright, Zenor and Semans.

The Speaker laid before the House, the following communication from the commissioners of the Michigan road, with accompanying documents:

To the Senate and House of Representatives of the State of Indiana, in General Assembly met.

The undersigned, commissioners of the Michigan road, beg leave to communicate, for the information of the General Assembly, the enclosed documents, received from the General Land Office, in reply to their communication transmitting to the General Land Office, a list of lands selected for the use of the Michigan road. From those documents the legislature will discover that the Secretary of the Treasury refuses to confirm the selections made by the commissioners in behalf of the state.

of Indiana, and approved by an authorized agent of the United States' government, who was specially instructed by the Department of War, to accompany the commissioners, while selecting the road land, to prevent dissatisfaction or complaint being made by the Indians.—From the view the commissioners have taken of this communication they believe it to be strictly within the spirit of the law, under which they have acted; to transmit the same to the General Assembly.

The proceedings we have had while engaged locating the road and selecting the lands, for the same we have filed in the office of the Secretary of State, as by law we are required.

With much respect,

Your most obedient,

SAMUEL HANNAH,

WM. POLKE,

A. MCLELLAN.

(Copy.)

GENERAL LAND OFFICE, }
11th October, 1830. }

GENTLEMEN—Your letter of the 14th ult. covering a list of lands, selected by you for the road between Lake Michigan and the Ohio River, through Indianapolis, referred to in the second article of the Pottawattimie Treaty of the 16th October, 1820, and the Act of Congress of the second March, 1827, was duly received and submitted to the consideration of the Secretary of the Treasury on the 5th instant, by a letter of which the paper marked A, herewith enclosed, is a copy; and you will perceive, on reference to the answer of the Secretary, dated the 9th instant, of which the paper B, is a copy, that he approves of the views of the office upon the subject.—From these papers you will perceive that the 2d Article of the Treaty is considered as making a separate and distinct cession of lands, for the purpose of making the road; that the quantity thus ceded is equal to a strip of 100 feet wide, for the length of the road through the Indian country, and 1 section of land for every mile as *actually laid out*, between the Lake and the Ohio river, through Indianapolis; that the selection of one section of every mile, through the Indian country, must be contiguous to the road; that the remainder of the quantity, to which the state may be entitled, must be taken out of the *Indian lands*, and that none of the lands ceded to the United States, by the first article of that treaty, or by any other treaty, are liable to be located for the use of that road; the selections cannot therefore

be approved, and the land officers, at Fort Wayne and Crawfordsville, have been instructed to offer the tracts at the public sales in November next.

With great respect,

Your most obedient serv't,

JOHN M. MOORE,

Acting Commissary

WM. POLK,
SAML. HANNA, } Esqs.
A. MCLELLAN, }

*Road Commissioners,
Logansport, Indiana.*

(A.)

(Copy.)

GENERAL LAND OFFICE, }
October 5th, 1830. }

SIR—I have the honor to enclose a sketch, exhibiting the several Indian cessions in the northern part of the state of Indiana, by the first article of the Pottawattmie treaty of the 16th of October, 1826, (Ld. Laws, page 331,) the tracts colored blue on that sketch were ceded to the United States. By the second article of the same treaty, the Indians cede to the United States a strip of land, commencing at Lake Michigan, and running thence to the Wabash river, 100 feet wide, for a road; and also one section of good land contiguous to said road, for each mile of the same; and also for each mile of a road from the termination thereof, through Indianapolis, to the Ohio river, for the purpose of making a road aforesaid, from Lake Michigan, by the way of Indianapolis, to some convenient point on the Ohio river. By the same article it was also provided, that the Gen. Assembly of Indiana should have the right to locate the road, apply the said sections or the proceeds thereof, to the making of the same or any part thereof, and that the grant should be at their sole disposal; but by the ratification of this treaty, this provision was rejected, although not so noted in the land laws, (see appendix to laws United States 2nd session, 19th Congress, page 52.) By the act of Congress, approved on the 2nd of March, 1827, (land laws, page 932,) the General Assembly of Indiana were authorised to locate and make the road above specified, and apply the strip of land and sections ceded for that purpose, or the proceeds thereof, to the making of the same; and the grant was placed at their sole disposal.

It does appear to this office, that the second article was intended to make a cession of lands separate and distinct from

those designated in the first article of the same treaty; that the quantity thus ceded is a strip of 100 feet wide, for the length, that the road may run through the lands belonging to the Indians, and one section of land for each mile of the road from Lake Michigan, through Indianapolis, to the Ohio River. Before this quantity can be ascertained, it appears to me, that the road must be actually laid out, so as to ascertain its course and length, and the number of sections ceded by the treaty and vested in the state by the act of 1827, that when the road is so laid out, the section of land for each mile it may run through the Indian country, must be located agreeably to the words of the treaty, contiguous to the road, and that the residue of the lands thus ceded, must be taken out of the lands belonging to the Indians, and not out of the lands ceded to the United States for any other purpose, by the first article of that treaty, or by any other treaty.

It is not known to this office that the road has been laid out and surveyed, and the subject is now brought before the Secretary for his decision, in consequence of the receipt of the enclosed communication from the commissioners appointed by the state of Indiana, to select the lands granted for the road. I have marked on the sketch, by a red cross, the townships in which they propose to make the selections, by which it will be perceived, that they do not lay in a direct line from the lake to Indianapolis; that part of the selections are in the tracts ceded by the first article of the treaty, and that the residue are embraced by the Chicago cession of 1821.

The list has not been critically compared with the plats in this office; but it is known that there will be objections to the approval of some of the selections, in addition to the general one; that they may include lands liable to entry, under the pre-emption law of the 29th of May last.

(Signed)

J. M. MOORE,

Acting Commissioner.

SAML. D. INGHAM,

Sec'y Tre'y.

(B.)

[COPY.]

TREASURY DEPARTMENT, }

9th October, 1830. }

SIR,—Approving the view taken of the subject of the selec-

tion of lands for the use of the Michigan road in your letter of the 5th instant, I return the papers therewith enclosed.

[Signed,]

Respectfully, &c.

S. D. INGHAM,

Secretary of the Treasury.

Commissioner of the Gen. Land Office.

Which were read and referred to a select committee of Messrs. Wallace of J., Kinney, Herod and Wallace of F.

Ordered, That one hundred copies of said communication and documents be printed.

Mr. Pollock, from the committee on roads to which was referred the petition of Abraham Elliott and others, reported a bill to change a part of the state road leading from New Castle in Henry county, to Crawfordsville in Montgomery county;

Which was read the first, second and third times (the rules of the House having first been dispensed with) and passed.

Ordered, That the same be entitled "An act," and that the clerk carry it to the Senate and ask their concurrence.

Mr. Pollock, from the same committee, to which was referred the petition of Benjamin Jones, reported a bill compensating Benjamin Jones for building a bridge across Busseron creek in Sullivan county;

Which was read the first time and passed to a second reading to-morrow.

Mr. Finley, from the select committee to which was referred the petition of G. Hunt and others, in favour of John Burk, a revolutionary soldier, reported a memorial of the General Assembly of the state of Indiana upon the subject of relief to said John Burk; which was read the first time and passed to a second reading to-morrow.

Mr. Semans from the select committee to which was referred sundry petitions on the subject of medical societies, reported a bill to repeal part of the 4th section of the "act regulating medical societies," passed January 30th, 1830;

Which was read the first time and passed to a second reading to-morrow.

Mr. Long moved the following resolution:

Resolved, That a committee be appointed of members to report a bill to this House making an apportionment of Senators and Representatives, in the different counties in this state, agreeably to the enumeration of white male inhabitants above the age of twenty-one years.

Mr. Boon moved to amend the resolution, so that such apportionment be made at a ratio of one thousand white male inhabitants, above the age of twenty-one years, for a representative, and three thousand for a senator; when

Mr. Wallace of F. moved to lay said resolution and proposed amendment on the table;

Which motion was carried in the affirmative.

A message from the Governor, by Mr. Heylin, his private secretary, as follows:

“EXECUTIVE DEPARTMENT, }
Indianapolis, Ind., Dec. 9, 1830. }

HON. ISAAC HOWK, *Speaker*
of the House of Representatives:

SIR—The accompanying paper is the annual report of the treasurer of the Indiana College, truly transcribed, which you will be pleased to lay before the House, over which you have the honor to preside.

I am, sir, respectfully,
your obt^d serv^t,

J. BROWN RAY.”

Which, together with the accompanying document, was read and referred to the committee on education.

Mr. Hoover moved the following resolution:

Resolved, That so much of the Governor's message as relates to Sunday mails, be referred to a select committee.

And the question being put, on the adoption of said resolution, it was decided in the negative.

Mr. Wright moved the following resolution:

Resolved, That the committee on education be instructed to enquire into the expediency of so amending the law on the subject of the sale of school sections, as to allow a majority of the persons present, to sell the same; which,

On motion of Mr. Finley,

Was so amended, as to provide, that due notice be given of such election.

The question recurring on the adoption of the resolution, as amended, it was carried in the affirmative.

Mr. Logan moved the following resolution:

Resolved, That the committee on military affairs be instructed to revise the militia laws of this state, and add one additional company muster in each year. And that this House will provide by law for the printing, distribution and delivery of such

law to every officer in the state, who by law may be entitled to a copy of the same.

Mr. Crume moved to amend said resolution, by striking out so much thereof as requires one additional company muster; when

Mr. Wallace of J. moved to lay said resolution and proposed amendment on the table;

Which motion was decided in the negative.

The question then recurring on the amendment proposed by Mr. Crume,

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Armstrong, Beard, Bently, Bussell, Claypool, Coffin, Craig, Crume, Decker, Dowden, Dumont, Elliott, Ferris, Finney, Galletely, Gardner, Hall, Hamilton, Hankins, Hendricks, Hillis, Holman, Hoover, Kinney, Long, Lowry, M'Nary, Owens, Paddacks, Pollock, Read of D. and M., Semans, Skeen, Soper, Work, Worth, Wright and Zenor—38.

And those who voted in the negative are,

Messrs. Bell, Bence, Boon, Casey, Levenworth, Logan, Lynd, M'Pheeters, Parks, Pitcher, Reid of F., Reiley, Roe, Russell, Schoonover, Smiley, Stewart, Wallace of F., Wallace of J. and Howk, speaker—20.

And so said motion was carried in the affirmative.

The said resolution, as amended, was then adopted.

On motion of Mr. Elliott,

Resolved, That the military committee be instructed to enquire into the expediency of so amending the law regulating the collection of conscientious fines, and militia fines, as to take it from the sheriff, and give it to township officers.

Mr. Holman, after having obtained leave, presented a joint resolution of the General Assembly of the state of Indiana, for a turnpike road from Lawrenceburgh to the Southern bend of the St. Joseph;

Which was read the first time, and passed to a second reading to-morrow.

Mr. Hall, after having obtained leave, presented a bill to repeal certain acts relative to Gibson county;

Which was read the first time and passed to a second reading to-morrow.

Mr. Hoover, after having obtained leave, presented a bill for the better securing to the several Congressional townships, the rents and profits of the 16th sections therein;

Which was read the first time and passed to a second reading to-morrow.

Mr. Gardner, after having obtained leave, presented a bill to authorize the judges of the Vermillion Circuit Court to hold a special session;

Which was read the first, second and third times (the rules of the House having first been dispensed with) and passed.

Ordered, That the same be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

Mr. Galletely, after having obtained leave, presented a bill for the appropriation of money to assist in building a bridge across Eel river, and for other purposes;

Which was read the first time and passed to a second reading to-morrow.

Mr. Hankins, after having obtained leave, presented a bill to authorize the erection of a bridge across Whitewater river;

Which was read the first time and passed to a second reading to-morrow.

The House then proceeded to consider the orders of the day.

The bill confirming to John J. Akin, Alexander Walker and John J. Livingston, certain rights; and the bill authorizing an asylum in the county of Wayne, were severally read the second time, and committed to a committee of the whole House and made the order of the day for to-morrow.

The bill for the appropriation of money, to aid in building a bridge over the Big fork of Walnut, and to improve the navigation of Eel river; and

The bill appropriating money to build a bridge over Indian creek, were severally read the second time and ordered to lie on the table.

And then the House adjourned till two o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

And then the House adjourned till to-morrow morning at nine o'clock.

SATURDAY MORNING, DECEMBER 11, 1830.

The House met pursuant to adjournment.

The Speaker laid before the House, the following Report from the Agent of the Three per Cent. Fund.

[See Appendix B.]

Which was read, and referred to the committee on roads.

Mr. Pollock presented a petition of the officers of the 10th brigade of Indiana militia, praying certain amendments to the militia law;

Which was read and referred to the committee on military affairs.

Mr. Hall presented a petition of sundry citizens of Gibson county, praying an amendment of the militia law;

Which was read and referred to the committee on military affairs.

Mr. Bence presented a petition of John Abbott, and others, praying further provisions in aid of agriculture;

Which was read, and ordered to lie on the table.

A message from the Senate by Mr. Morris, their assistant secretary:

Mr. Speaker:

The Senate have passed an engrossed bill, entitled "An act for the relief of John J. Lewis, late collector of Shelby county," in which I am directed to ask the concurrence of the House of Representatives.

The Senate have adopted the following resolution:

Resolved, That the Senate will meet the House of Representatives in the Representatives' Hall, at 3 o'clock on Monday next, for the purpose of electing President Judges for the first, second and third judicial circuits, to fill the vacancies occasioned by the expiration of the term of service of the Hon. John R. Porter, John F. Ross, and Miles C. Eggleston; and for the purpose of electing three Prosecuting Attornies, for the second, fourth and fifth judicial circuits, to fill the vacancies occasioned by the expiration of the official term of John H. Thompson, and C. I. Battell, Esqrs., and by the resignation of Wm. W. Wick, Esq. ;

Resolved, That the Secretary inform the House of Representatives of the adoption of this resolution, and the adoption of a similar resolution on their part, be requested.

The bill, named in said message, was read the first time, and passed to a second reading on Monday next.

Mr. Holman presented a petition of sundry citizens of Allen county, praying an appropriation of \$500 on the state road

leading from Fort Wayne to the state road from Piqua in Ohio near Wilshire;

Which was read, and referred to the committee on roads.

Mr. Hall presented two petitions of sundry citizens of Gibson county, praying a change in the mode of doing county business;

Which were read, and referred to the select committee heretofore appointed upon that subject.

Mr. McMary presented a petition of George Secrest, praying articles of impeachment against Joseph F. Farley, Judge of the Probate Court of Putnam county;

Which was read, and referred to the judiciary committee.

Mr. Hankins presented a petition of Horatio N. Burgoyne and others, citizens of Franklin county, praying to be attached to Fayette county;

Which was read, and

On motion of Mr. Reid of F.,

Was ordered to lie on the table.

Mr. Stewart presented a petition of John McIntire and others, for a state road from Petersburg to Vincennes;

Which was read and referred to the committee on roads.

Mr. Worth, from the joint committee on enrolled bills, reported,

That they have compared the enrolled, with the engrossed joint resolutions entitled as follows, to wit:

"A joint resolution to extend the time to the commissioners of the Michigan Road to report their proceedings," and

"A joint resolution authorising the District Court to hold its sessions in the house erected upon the Governor's Circle, during the present session of the General Assembly," and find the same truly enrolled:

When the Speaker signed said joint resolutions:

Ordered, That the clerk carry them to the Senate for the signature of their president.

Mr. Hendricks presented two petitions of sundry citizens of Decatur county, praying relief to Joseph Prior, security of a former collector of that county;

Which were read and referred to the committee of ways and means.

The Speaker laid before the House, the following communi-

cation of the Treasurer of State, with the accompanying documents, viz:

[See Appendix A.]

Which were read and referred to the committee of ways and means, except so much as relates to the affairs of the State Seminary;

Which were referred to the committee on education.

Ordered, That 100 copies of said communication and documents, be printed.

Mr. Read, of D., and M., from the committee of ways and means, to which was referred a resolution of this House, directing them to enquire into the expediency of reporting a bill to provide for a general assessment of taxable property in this state, with its valuation, preparatory to the adoption of a general system of taxation according to the ad valorem plan of raising revenue, reported that they have had the subject under consideration, and after mature deliberation, are of opinion, that it would be inexpedient to legislate on that subject at the present session;

Which was read, when

Mr. Boon moved to lay said report upon the table;

Which motion was decided in the negative.

Mr. Holman then moved that the House concur in said report;

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Bell, Bence, Casey, Coffin, Crume, Decker, Elliott, Finley, Galletely Gardner, Hankins, Hillis, Holman, Hoover, Levenworth, Logan, Long, Lynd, Owens, Parks, Pitcher, Pollock, Reid of F., Roe, Russell, Schoonover, Semans, Skeen, Wallace of F., Wallace of J., Work, Wright, Zenor and Hawk, speaker—34.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bentley, Boon, Bussell, Claypool, Craig Dowden, Dumont, Ferris, Hall, Hamilton, Hendricks, Herod, Kinney, Lowry, McNary, Paddacks, Read of D., and M., Reiley, Smiley, Soper, Stewart, and Worth—24:

And so said motion was carried in the affirmative.

Mr. Hall, from the judiciary committee to which was referred the petition of Bailey Johnson, asking certain relief there:

in set forth; and a remonstrance of John Duly, against the relief prayed for, reported, that they have according to order, had the same under consideration, and are of opinion, that it is inexpedient to grant the relief asked for, to the petitioner;

Which was read and concurred in.

Mr. Pollock, from the committee on roads, to which was referred the petition of George Pea, reported a bill, compensating George Pea, for extra causewaying on the state road leading from Brookville to Indianapolis;

Which was read the first time, and passed to a second reading, on Monday next.

A communication in writing was received from the governor, by Mr. Heylin, his private secretary, as follows:

EXECUTIVE DEPARTMENT,
Ind. Inds. Dec. 11, 1830. }

HON. SPEAKER OF THE
House of Representatives:

SIR—I have received and accepted, the resignation of William W. Wick, Prosecuting Attorney of the 5th judicial circuit, in this state. Be pleased to communicate this to the House of Representatives.

I am, &c.

JAMES B. RAY.

Mr. Elliott, from the joint committee on enrolled bills,

Reported, that they did on this day, lay before the Governor, for his approval and signature, the following joint resolutions entitled as follows, to wit:

“A joint resolution to extend the time to the commissioners of the Michigan road to report their proceedings,” and

“A joint resolution, authorizing the District Court, to hold its session in the House erected upon the governor’s circle, during the present session of the General Assembly.”

On motion of Mr. Finley,

Resolved, That the House of Representatives reciprocate the resolution of the Senate, fixing the time for the election of circuit judges and prosecutors, and request the attendance of the Senate in the hall of the House of Representatives, at the time proposed in said resolution for that purpose, and that seats be provided for them on the right of the Speaker’s chair:

Ordered, That the clerk inform the Senate hereof.

On motion of Mr. Bussell,

The resolution heretofore laid on the table, on the subject of

memorializing Congress for a donation of lands to aid in constructing a turnpike road from Indianapolis to Harrison, was taken up, when

Mr. Holman withdrew the amendment heretofore offered by him, to said resolution.

Mr. Reid, of F., then moved to amend said resolution, by striking out the word "Connersville," and inserting in lieu thereof the word "Brookville;

Which motion was decided in the negative.

The question then recurring on the adoption of the resolution, it was decided in the negative.

Mr. Holman from the select committee to which the petition on that subject was referred, reported,

A joint resolution on the subject of a land office, to be established in the northern part of this state;

Which was read the first and second times, (the rules of the House having first been dispensed with,) and committed to a committee of the whole House for Monday next.

Mr. Holman, from the select committee to which was referred the petition of sundry citizens of Elkhart county, praying a relocation of their county seat, reported a bill for the re-location of the county seat of Elkhart county;

Which was read the first time, and passed to a second reading on Monday next.

A message from the Senate, by Mr. Morris, their assistant secretary:

Mr. Speaker:

The Senate have adopted the following resolution, to wit:

Resolved, That the Senate will, on Saturday the 18th inst., meet the House of Representatives in the Representatives' hall, at 2 o'clock P. M. for the purpose of electing a Senator to the Congress of the United States, to fill the place of the Hon. William Hendricks, whose term of service will expire on the fourth day of March next, and that the House of Representatives be informed thereof, and a similar resolution on their part requested.

Mr. Elliott moved the following resolution:

Resolved, That the committee on the judiciary be instructed to report a bill so to amend the probate law as to provide a manner of giving notice to minors and non residents in cases of the partition of real estate provided for in said probate law;

When Mr. Hall moved to amend said resolution, by striking

put the word "report," and inserting in lieu thereof the words "enquire into the expediency of reporting;"

Which motion was carried in the affirmative.

The resolution as amended, was then adopted.

On motion of Mr. Crume,

Resolved, That the committee on the affairs of the town of Indianapolis, be directed to inquire into the propriety of making an appropriation out of the Indianapolis fund of dollars for the purpose of furnishing store and other necessary materials, preparatory to the commencement of a State House, on the site originally intended for that purpose, with leave to report by bill or otherwise.

On motion of Mr. Bence,

Resolved, That the committee of ways and means be instructed to inquire into the expediency of so amending the section of the revenue law, approved January 30, 1824, as to make it the duty of certificate holders of lots or land sold for taxes, to advertise the same by giving public notice at least four months before the time expires that entitles the certificate holder to a deed.

On motion of Mr. Read of D., and M.,

Resolved, That the judiciary committee be instructed to enquire into the expediency of reporting a bill to this House, making provision for the sale of all lands in this state reserved for the use of salt springs.

On motion of Mr. Finley,

Resolved, That the House of Representatives reciprocate the resolution of the Senate, appointing Saturday the 18th instant, at 2'clock P. M. as the time for an election for United States' Senator, in the room of the Hon. William Hendricks, whose term of service will expire on the 4th of March next, and that seats will be provided for them at the right of the Speaker's chair.

Ordered, That the clerk inform the Senate hereof.

On motion of Mr. Russell,

Resolved, That the committee on the affairs of the town of Indianapolis, be instructed to enquire into the expediency of authorizing a sale of the remainder of the donation lands without the town plat, or a part thereof as the committee may think best, to be laid off in four, six, eight, ten, and 20 acre blocks, with leave to report by bill or otherwise.

A message from the Senate, by Mr. Morris, their assistant secretary.

Mr. Speaker,

The senate have passed "An engrossed bill from the House of Representatives, entitled "An act supplemental to an act for the appropriation of money to aid in building a bridge over Plumb Creek," without amendment.

Mr. Bussell moved the following resolution:

Resolved, That it is expedient that the statute laws of this state be thoroughly revised, collated, and re-enacted, so as to embody all the statutes upon each given subject under their appropriate heads, and that it is expedient that the same be done during the present session of the General Assembly:

Which was read, and the question being put upon its adoption, it was decided in the negative.

Mr. Herod moved the following resolution:

Resolved, That the judiciary committee be requested to inquire into the propriety of so far repealing the probate law as to abolish the present probate court, and to transfer the jurisdiction of probate business to the circuit courts, and that the several circuit courts hold three terms each year, and that a day or days certain in each term be set apart for the transaction of that business.

Mr. Logan moved to amend said resolution by striking out the words "and that the several circuit courts hold three terms each year;"

Which motion was decided in the negative:

The question then recurring on the adoption of the resolution, it was decided in the negative.

On motion of Mr. Holman,

Resolved, That a select committee be appointed to enquire into the expediency of laying off the Wabash country between Logansport and Fort Wayne, into new counties;

Ordered, That Messrs. Holman, Kinney and Claypool, be that committee:

And then the House adjourned till Monday morning, 9 o'clock.

MONDAY MORNING, DECEMBER 13, 1830.

The House met pursuant to adjournment.

The Speaker laid before the House the annual report of the Auditor of Public Accounts:

AUDITOR'S OFFICE, }
Indianapolis, December 10, 1830. }

In obedience to the act concerning the Auditor of Public Accounts and Treasurer of State, the following report of receipts and expenditures, on account of the state of Indiana, is respectfully submitted:

There was remaining in the treasury on the 5th of December, 1829, provided all claims audited to that date were paid \$9,961 63

Since the above period there has been paid into the treasury, on account of balances due for the year

1820	16 43
" " " 1822	69 11
" " " 1823	73 20
" " " 1825	620 00
" " " 1826	621 76
" " " 1827	181 29

From collectors of revenue for 1829 29352 73
 " " " " 1830 3846 22

" the Agent of State for Indian-
 apolis 4552 83

" Seminary lands 405 00

" mortgaged lands 405 00

" loans refunded 1290 16

" interest Seminary funds 1542 40

" Canal funds 18709 25

" estates without heirs 50 77

" conscientious fines 40 33

" unlisted lands and polls 23 31

" penalty on collectors 8 89

" salt springs 90 85

Making in all

75306 11

Since the above period there has been audited for public printing and station-
 ary

3336 21

For expense of last General Assembly, including pay of members, clerks and door keepers

12041 02

For salaries of Executive officers 2200 00

" Judiciary 5810 80

" Probate Judges 1273 50

" Prosecuting Attorneys 1037 55

" Militia officers 154 86

" State Seminary 2676 64

Wabash and Miami canal fund 1902 56

Michigan road	1204 50	
Seat of government	398 92	
Specific appropriation	1202 64	
Electors	10 00	
State Prison	507 32	
State Library	113 12	
Rock Lick	30 00	
Wolf scalps	636 50	
Conscientious fines	21 00	
Seminary money loaned as per treasurer's report	5928 00	
Contingent expenses as per treasurer's report for the year 1830	1026 08	
Making the total amount of expenditures		41511 22
Which deducted from \$75,306.11 (receipts) leaves a balance in the treasury, on the 5th day of December, 1830, provided all claims audited to that date have been paid, of		
	33794 89	

The amount of the assessment for the present year, as certified by the clerks of the several counties is \$41117.96 cents, from which, after deducting \$7617.96, for delinquencies and other expenses, will leave for the treasury \$33500.

The amount of old delinquencies paid into the treasury the present year is 1581 79

It is probable that but little more will be collected of those old claims, so that they cannot be relied on with any certainty as making a part of the revenue.

Respectfully submitted,

MORRIS MORRIS, A. P. A.

Which was read and referred to the committee of ways and means.

The Speaker laid before the House two several communications from the trustees of the seminary funds for Bartholomew and Delaware counties respectively;

Which were read and referred to the committee on education.

Mr. Finley presented a petition of William Post and others, praying a repeal of the "act regulating medical societies;"

Which was read and laid on the table.

Mr. Soper presented a petition of Phylena Fitzgerald, praying a divorce from her husband Thomas Fitzgerald;

Which was read and referred to a select committee of Messrs. Soper, Wallace of J. and Lowry.

Mr. Crume presented a petition of Joseph Justice and others, praying a repeal of the "act regulating medical societies;" Which was read and laid on the table.

On motion of Mr. Craig,

The committee on roads were discharged from the further consideration of a resolution of the 9th inst., instructing them to enquire into the propriety of changing the labour of convicts to work on state roads.

Mr. Owens presented a petition of Jesse Wright for relief; Which was read, and referred to the committee on claims.

Mr. Bence presented a petition of sundry citizens of Congressional township No. 3, Range 5, in Floyd and Harrison counties, (an incorporated township) praying a law to confirm certain acts of said incorporation, and to establish the fees of its officers in future;

Which was read, and referred to the committee on education.

Mr. Read of D. and M., from the committee of ways and means, made the following report; which was read and concurred in, to wit:

"The committee of ways and means, to which was referred the report of the Secretary of State, relative to public printing, &c. have examined the same, and find the contracts all made and performed agreeable to law, except one of the contractors for distribution, Mr. Osburn, who pleaded a want of knowledge that his bid was accepted. It is the opinion of the committee, that said Osburn be released from any further responsibility. The proposition of Messrs. Douglass and Maguire to proceed with the printing of the acts, during the session, would, in the opinion of the committee, be advantageous to the state, as it would insure a distribution of the laws at an early period."

Said report was accompanied by a joint resolution upon the subject last embraced in it;

Which was read the first time and passed to a second reading to-morrow.

Mr. Hall, from the judiciary committee to which the subject was referred, reported a bill to amend an act entitled "an act for the relief of the infant heirs of Westley Harrison deceased;"

Which was read the first time and passed to a second reading to-morrow.

Mr. Boon, from the committee on claims, to which was referred the petition of Elisha Tadlock for relief, reported that

the committee are of opinion that said Tadlock should be allowed twenty-two dollars for the cause set forth in his petition; and recommend the adoption of the following resolution:

Resolved, That the committee of ways and means be and they are hereby instructed to allow to Elisha Tadlock twenty-two dollars in the specific appropriation bill, as above set forth; Which report and resolution,

On motion of Mr. Wallace of J.,

Were laid on the table.

Mr. Beard, from the committee on claims, to which was referred the petition of William R. Reynolds for relief, reported favourably to said petitioner and recommended the adoption of the following resolution:

Resolved, That the committee of ways and means be instructed to allow the said William R. Reynolds the sum of fifteen dollars thirty-one and one fourth cents, in the specific appropriation bill;

Which report and resolution were read, and ordered to lie on the table.

Mr. Hoover, from the select committee to which the subject was referred, made the following report, to wit:

"The select committee to which was referred a resolution of this House, on the subject of the unfinished business of last session, have performed that duty, and find the following unfinished business, which they beg leave to present to this House, to wit:

1. A bill concerning monies expended on account of the Michigan road.

2. A bill to relocate part of the state road leading from Newcastle to Lafayette.

3. A bill concerning the revision of the Constitution of this state.

4. A bill for the improvement of the road leading from Versailles, in Ripley county, to Brookville in Franklin county.

5. A bill to open and locate a state road from Mooresville, in Morgan county, to Crawfordsville in Montgomery county.

6. A bill to appropriate a part of the three per cent. fund, to aid in constructing a bridge across the East fork of Whitewater-river, at Brookville.

7. A bill making a certain appropriation therein named.

8. A bill levying a tax upon sales at auction.

9. A joint resolution of the General Assembly of the state of Indiana to the Congress of the United States, on the subject

of a canal from the Wabash river to White river, and thence to the Ohio.

10. An engrossed joint resolution of the General Assembly of the state of Indiana relative to the Indian tribes residing within the limits of said state.

11. A bill to open a state road from Raccoon, in Parke county, to Lafayette in Tippecanoe county.

12. An engrossed bill legalizing the proceedings relating to a change in the state road leading from Owensville, in Gibson county, to Cynthiana in Posey county.

13. A joint resolution relative to the duties on imported salt.

14. An engrossed bill to regulate the mode of doing county business in the several counties in this state.

15. A bill legalizing Indian descents and for other purposes.

16. A bill to improve the state road from Cynthiana to the mouth of Kentucky river.

17. An engrossed bill to attach part of the county of Clark to the county of Floyd.

18. A bill for the relief of purchasers of land in the seminary townships in Gibson and Monroe counties and for other purposes.

19. A bill respecting arrearage seminary fines.

20. A bill to provide for the erection of an asylum in each judicial district.

21. A bill regulating mill dams on navigable streams.

22. An engrossed bill authorizing the boards doing county business to improve the navigation of streams.

23. A bill reducing into one, all laws now in force for assessing and collecting the revenue.

24. An engrossed bill to provide for the relocation of the county seat of Fountain county.

The bill No. 12, in the above report, was read the first and second times (the rules of the House having first been dispensed with) and the further consideration thereof was indefinitely postponed.

On motion of Mr. Wallace of J.,

Resolved, That bills No. 1, 2, 4, 5, 6, 7, 11, 16, 21 and 22, as reported and numbered by the committee on unfinished business, be referred to the committee on roads—That bills, No. 3, 8, 9, 10, 13, 15 and 18, be referred to the committee on the judiciary—That bills No. 14, 17, 20 and 24, be referred to a select committee—That bill No. 19, be referred to the committee on education, and that bill No. 23, be referred to the committee of ways and means.

Ordered, That Messrs. Wallace of J. Work and Lynd be the select committee mentioned in said resolution.

Mr. Lowry from the select committee to which was referred the petition of Samuel A. Keith and others, reported a bill to provide for improving the navigation of the south fork of Muskatuck;

Which was read the first time, and passed to a second reading to-morrow.

Mr. Parks, after having obtained leave, presented a bill supplemental to an act entitled "an act for the purpose of building a bridge across Salt creek;" approved January 29, 1830;

Which was read the first time and passed to a second reading to-morrow.

On motion of Mr. Wallace of F.,

Resolved, That one hundred copies of the report of the agent of the three per cent. fund be printed for the use of this House.

On motion of Mr. Holman,

Resolved, That a committee be appointed to enquire into the expediency of passing a law to prevent the destruction of timber on the state canal lands, with leave to report by bill or otherwise;

Whereupon,

Messrs. Holman, Kinney and Beard were appointed that committee.

Mr. Holman moved the following resolution:

Resolved, That a committee be appointed to enquire into the expediency of improving the navigation of the Mississinewa river, with leave to report by bill or otherwise; which,

On motion of Mr. Boon,

Was so amended as to refer the enquiry to the committee on canals and internal improvements:

The resolution, as amended, was then adopted.

On motion of Mr. Coffin,

Resolved, That the committee of ways and means be instructed to enquire into the expediency of reporting a bill requiring assessors when taking a list of taxable property, to ascertain as near as practicable, the real value of each horse, yoke of oxen, flock, watch and carriage, and that they be taxed accordingly.

On motion of Mr. Pitcher,

Resolved, That the treasurer of state inform this House what amount of money has been paid out of the treasury on account

of the Wabash and Erie canal; to whom paid and for what purpose.

Mr. Hoover presented the following resolution:

Resolved, That the committee on the affairs of the town of Indianapolis be instructed to enquire into the expediency of donating to the county of Marion the house erected on the Governor's Circle for a Seminary of learning:

And on the question to adopt the same, it was decided in the negative.

On motion of Mr. Herod,

Resolved, That the committee on military affairs be requested to enquire into the expediency of reporting to this House a preamble and joint resolution to the Congress of the United States, instructing our senators and requesting our representatives to use their exertions to procure the extension of the benefits of the pension law to the militia soldiers of the revolutionary war.

Mr. Armstrong presented the following resolution, to wit:

Resolved, That the judiciary committee be directed to enquire into the expediency of so amending the third section of the act, now in force, regulating marriages, in this state, that a license from the clerks of the Circuit Courts shall not be required, with leave to report by bill or otherwise.

And the question being put on its adoption;

It was decided in the negative.

Mr. M'Nary moved the following preamble and resolution; which were read and laid on the table, to wit:

WHEREAS much difficulty of opinion is found to exist, in relation to the effect upon various quarters of our state of a change in the present revenue system; therefore,

Resolved, That a committee of Mr. Read of D. and M., Mr. Boon of Sullivan, Mr. Hall of Gibson, Mr. Claypool of Montgomery and other counties, Mr. Holman of Cass and Allen, and Mr. Reiley of Knox be appointed to draft a revenue bill upon the ad valorem system of taxation, sufficient to meet the wants of the government as now existing; together with a detailed report, shewing the effect of the said bill upon the different counties, according to the returns of the present year, to be found in the different departments, and comparing the same with a continued operation of the present system, in a series of years to come; which, said bill and report, shall be placed on the journals of this House, and published in a distinct form to the extent of one thousand copies, in their original shape, for the

scrutiny of the people, without any amendment, by this body, at the present session.

Mr. Bussell moved the following resolution:

Resolved, That a select committee be appointed to enquire into the expediency of so amending the law as to prohibit practising attornies from acting as deputy clerks of the Circuit Courts in this state, and report by bill or otherwise.

Mr. Hillis moved to amend the same, so that such prohibition extend only to the counties in which the attorney practises;

Which motion was carried in the affirmative; and,

On motion of Mr. Armstrong,

Said resolution was further amended, by inserting after the word "state," these words: "and also to prohibit such attorney from making up any part of the record in such county or counties."

Mr. Read of D. and M. moved further to amend the same, by extending the prohibition to justices of the peace in the counties where they reside;

Which motion was decided in the negative.

The question then recurring, on the adoption of the resolution, as amended,

And the ayes and noes being called for by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Beard, Bell, Bence, Bentley, Boon, Bussell, Casey, Claypool, Craig, Crume, Decker, Dowden, Elliott, Ferris, Galletely, Hall, Hamilton, Hankins, Hendricks, Herod, Hillis, Holman, Hoover, Kinney, Levenworth, Logan, Long, Lowry, M'Nary, Owens, Paddacks, Parks, Pitcher, Pollock, Reid of F., Roe, Russell, Schoonover, Semans, Skeen, Smiley, Soper, Stewart, Wallace of F., Worth, Wright, Zenor and Howk, speaker—49.

And those who voted in the negative are,

Messrs. Coffin, Dumont, Finley, Lynd, Read of D. and M., Reiley, Wallace of J. and Work—8.

And so said resolution, as amended, was adopted:

Whereupon,

Messrs. Bussell, Dowden, Long and Hoover were appointed such committee.

On motion of Mr. Decker,

Resolved, That the committee on roads be instructed to en-

quire into the expediency of making it the duty of the sheriffs to administer an oath to each supervisor of the roads, at the time when he delivers them their appointments; also providing by law a more summary mode of punishing supervisors for neglect of duty.

On motion of Mr. Herod,

Resolved, That the committee on roads be instructed to enquire into the expediency of repealing the present road law, and to report a bill more efficient in its provision, without making the same more burdensome in its effects.

Mr. Parks moved the following resolution:

Resolved, That the committee of ways and means be requested to enquire into the expediency of allowing the boards doing county business to lay a tax on wooden clocks.

Mr. Wallace of J. moved to amend said resolution, by adding at the end thereof these words: "and of taking off from brass clocks the tax now assessed on them;"

Which motion was decided in the negative.

The question then recurring upon the adoption of the resolution, it was decided in the negative.

On motion of Mr. Galletely,

Resolved, That a select committee be appointed to enquire into the utility of establishing a state road from Brookville in Franklin county to Terre Haute in Vigo county, passing thro' Greensburgh in Decatur county, Columbus in Bartholomew county, Bloomington in Monroe county, Spencer in Owen county and Bowlinggreen in Clay county, thence to Terre-Haute, with leave to report by bill or otherwise.

Ordered, That Messrs. Galletely, Reid of F., Hendricks, Herod and Owens be that committee.

Mr. Armstrong, after having obtained leave, presented a bill making an appropriation to construct a bridge over Tanner's creek in the county of Dearborn;

Which was read the first time and passed to a second reading to-morrow.

Mr. Craig, after having obtained leave, presented a bill authorizing a travelling penitentiary;

Which was read the first, and second times (the rules of the House having first been dispensed with) and committed to a committee of the whole House for to-morrow.

Mr. Beard moved that one hundred copies of said bill be printed;

Mr. Hillis proposed five hundred copies;
Which motions were severally decided in the negative.

Mr. Ferris, after having obtained leave, presented a bill to provide for improving the navigation of Laughery creek;

Which was read the first time and passed to a second reading to-morrow.

Mr. Levenworth, after having obtained leave, presented a bill to incorporate the Levenworth Seminary Society;

Which was read the first time and passed to a second reading to-morrow.

Mr. Dowden, after having obtained leave, presented a bill appropriating money to aid the people of Kelso, Manchester and Lawrenceburgh townships, to build a bridge across the Salt fork of Tanner's creek;

Which was read the first time and passed to a second reading to-morrow.

The bill for the appropriation of money to aid in building a bridge over the big fork of Walnut, and improve the navigation of Eel river, heretofore laid on the table, was taken up, and ordered to be committed to a committee of the whole House for Wednesday next.

And then the House adjourned till two o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Hillis, after having obtained leave, moved the following resolution:

Resolved, That the committee on roads be instructed to report a bill making a general appropriation of the fund, commonly called the three per cent. fund, (not otherwise appropriated) among the several counties in this state, for the opening and repairing of public roads and highways, so as to give to each county a just and equitable portion thereof.

Mr. Dumont moved to amend said resolution, by adding at the end thereof the words—"taking into consideration the amount heretofore appropriated in the several counties;" and before the question was put, said resolution and proposed amendment were,

On motion of Mr. Boon,

Ordered to lie on the table.

A message from the Senate by Mr. Morris, their assistant secretary:

Mr. Speaker:

I am instructed to inform the House of Representatives, that Mr. Pennington has been appointed Teller on the part of the Senate, for the approaching election of Judges and Prosecuting Attorneys.

The Speaker laid before the House, the following communication from Noah Noble, contract commissioner upon the Michigan road;

Which was read and referred to the committee on roads, viz:

Indianapolis, Saturday, December 11, 1830.

TO THE HONORABLE, THE GENERAL ASSEMBLY OF THE STATE
OF INDIANA.

The undersigned commissioner, appointed to carry into effect the provisions of an act of the Legislature, approved January the 29th, 1830, providing for opening that part of the Michigan road, intervening the Wabash and Ohio rivers, in obedience to its injunctions, now has the honor of submitting to the Legislature, a report of his proceedings, whilst in the discharge of the duties enjoined by said act.

An unexpected and unavoidable delay in the meeting of the commissioners, to whom you confided the location of that part of the road between the towns of Greensburgh and Madison, prevented your commissioner from entering on the labors assigned him, earlier than the latter part of May, at which time he met the before named commissioners at Greensburgh, who to run the random lines, and thereby hasten the work, took into their service the surveyor and hands employed by the undersigned, whilst they were examining the intermediate routes. A choice of routes having been determined on for the unlocated portion of the road, between the points before mentioned, your commissioner about the 1st day of June, was enabled to begin the laying off the road in sections of one mile each, commencing, as directed, at the town of Madison. So much time having elapsed, and being limited to the 3rd Monday in July to place the road under contract, your commissioner found he could not, within nine days, lay it off to the Wabash, return, and then advertise the three weeks required by law, so as to commence the sales at Madison by the first day of July. To avoid a failure of carrying into effect the orders and wishes of the Legislature, your commissioner was under the necessity of

preparing printed notices, naming the number of sections to be sold at each place from the best estimate he could make of the distance from one point to another, which were distributed as he passed along the line laying off the road. Besides the notice given along the line, advertisements were sent to all the adjoining counties, and through the politeness of the editors, a place was obtained for them in the papers published at Logansport, Lafayette, Rushville, Greensburgh, and Lawrenceburgh.

To suit public convenience as far as time would permit, the sales commencing at Madison on the 1st day of July, and ending on the 3rd Monday at Logansport, were holden at the following places:

At Madison for the sale of	15 Sections,
At Mr. Brown's	10 Sections,
At Napoleon	10 Sections,
At Greensburgh	15 Sections,
At French's Inn	10 Sections,
At Shelbyville	15 Sections,
At Mean's Inn	11 Sections,
At Indianapolis	25 Sections,
At Capt. Lowe's on Eagle Creek,	20 Sections,
At Logansport	32 Sections.

The distance from Madison to the Wabash, near Logansport, is 163 miles, and the aggregate amount of sales is \$62,135 85, making an average of \$381 20 per mile. Bonds with good and sufficient security have been taken of the contractors conditioned for opening the road 100 feet wide, grubbing 30 feet of the centre, and completing it in all respects as required by law, by the 20th of November of the next year.

In laying off and placing the road under contract, the fund has been made liable for the further sum of \$186 50, on account of the wages of the surveyor, chain carriers, a hand to mark and set mile stakes and for printing and stationary, as per the annexed items. At Napoleon, Greensburgh, French's, Shelbyville and Indianapolis, the citizens entered into a generous competition, more so, than elsewhere. The grubbing of the heavy timber from the 30 feet of the centre, seemed to deter many of the farmers from embarking in the enterprise, and the inducements as to the time of payment, invited but few capitalists to the field. Owing to the high prices of provisions and labor in that quarter, and the difficulties that must be overcome in prosecuting the work, that part of the road passing through the wilderness north of Indianapolis, went off very high. The balance of the work, it is believed, taking all

things into view, has been taken at prices that cannot be called extravagant.

The opening of the road was commenced by most of the contractors soon after the sales were closed and progressed as rapidly as could have been expected until some alarm and apprehensions were excited by the recent decisions of one of the Departments of the General Government, in virtue of which, a portion of the lands lately selected for the road, have been sold at the United States' Land Offices. Of the undertakers, four only, are men of capital; with these exceptions, the work has been distributed among day laborers, blacksmiths, farmers and inn keepers; men whose resources are limited, but whose character for honesty has enabled many of them to employ hands on the promise of money or scrip next fall, relying on a sale of the lands to meet their engagements or to enable the laborer to purchase a home. To some of them, and to sub-contractors the decision alluded to has proved most embarrassing, the hands employed have become discouraged, and in some instances, have abandoned the work. Of this their situation the undersigned has promised to make a suitable representation to the Legislature, and he feels it his duty to add, that unless some step be taken to restore confidence, the completion of a part of the road will be rendered doubtful, and much loss and distress will ensue to those contractors now indebted to their hands.

The scrip to be granted to the contractors, if in sums as contemplated by law, will be too large for negotiation or for the convenience to the holder; it is therefore respectfully recommended that the Commissioner and Secretary of State be authorized to sub-divide it in sums of 100 dollars each, if desired by the owner.

N. NOBLE, *Contract Com. M. R.*

The State of Indiana, Dr.

To Nathan Davis for 27 days services as chain carrier laying off the Michigan Road, he finding himself, at one dollar and fifty cents per day,	\$40 50
To Simeon Sedwick for same services,	40 50
To Mr. Demoss for five days services setting mile stakes,	3 50
To John Pogue for 12 days services in marking and setting stakes from Indianapolis to the Wabash,	18 00

To Henry Brady, as surveyor, 27 days at two dollars,	54 00
To Morrison and Kinnard for printing bonds,	10 00
To Douglass and Maguire for printing notices of sale,	6 50
To. W. Mitchell, Greensburgh, do.	10 00
To John Cain, for blank book, and 7 quires paper,	3 50
	<hr/>
	186 50

The surveyor and hands were eight days of the above time in the service of the other commissioners.

The Speaker laid before the House, a communication from the secretary of state, covering a statement of the enumeration of the white male inhabitants above the age of twenty-one years, in this state, pursuant to the act of the 29th January, 1830;

Which was read, and ordered to lie on the table.

On motion of Mr. Ferris,

Resolved, That the Senate be informed that the House of Representatives is now ready to go into the election of Judges and Prosecuting Attornies, pursuant to resolutions passed by the two Houses on Saturday last;

Whereupon,

The Speaker appointed Mr. Ferris, Teller, on the part of this House.

The Senate then came down into the hall of the House of Representatives, and took their seats on the right of the Speaker's chair, the President of the Senate on the right of the Speaker;

The two houses then proceeded by joint ballot to the election of a President Judge for the first judicial circuit, and on counting the ballots, it appeared that there were for

John R. Porter, 76 votes for that office,

Scattering, 5 do.

John R. Porter having received a majority of all the votes given, was by the President of the Senate, in the presence of both Houses of the General Assembly, declared duly elected President Judge of the first judicial circuit, within the State of Indiana, for the term of seven years, from and after the 18th day of December, 1830.

The two Houses then proceeded by joint ballot to the election of a President Judge, for the second judicial circuit; and

On counting the ballots, it appeared that there were, for
 John F. Ross, 70 votes for that office
 Scattering, 11 do.

John F. Ross, having received a majority of the whole number of votes given, was by the President of the Senate, in presence of both Houses of the General Assembly, declared duly elected President Judge of the second judicial circuit within the State of Indiana, for the term of seven years from and after the 18th instant.

The two Houses then proceeded by joint ballot, to the election of a President Judge for the third judicial circuit; and

On counting the ballots, it appeared that there were for
 Miles C. Eggleston, 63 votes for that office.
 Scattering, 18 do.

Miles C. Eggleston having received a majority of the whole number of votes given, was by the President of the Senate, in presence of both Houses of the General Assembly, declared duly elected President Judge of the third judicial circuit, within the State of Indiana for the term of seven years, from and after the 18th instant.

The two Houses then proceeded by joint ballot to the election of a Prosecuting Attorney for the second judicial circuit; and,

On counting the ballots, it appeared that there were for
 John H. Thompson, 59 votes for that office,
 Scattering, 22 do.

John H. Thompson, having received a majority of the whole number of votes given, was by the President of the Senate, in presence of both Houses of the General Assembly, declared duly elected Prosecuting Attorney for the second judicial circuit for the term of two years, from and after the 30th instant.

The two Houses then proceeded by joint ballot to the election of a Prosecuting Attorney, for the 4th judicial circuit; and

On counting the ballots it appeared that there were for
 Charles I. Battell, 57 votes for that office.
 Scattering, 23 do.

Charles I. Battell, having received a majority of the whole number of votes given, was, by the President of the Senate, in presence of both Houses of the General Assembly, declared duly elected Prosecuting Attorney for the fourth judicial circuit, for the term of two years, from and after the 30th inst.

The two houses then proceeded by joint ballot to the election of a Prosecuting Attorney for the fifth judicial; and,

On counting the first ballot, it appeared that

Philip Sweetzer received	37 votes for said office,
Hiram Brown,	25 votes,
Ovid Butler,	15 votes,
Scattering,	3 votes,

Neither of whom having received a majority of the whole number of votes given;

The two Houses proceeded to a second balloting; and,

On counting the second ballot, it appeared that

Philip Sweetzer received	44 votes,
Hiram Brown,	31 do.
Ovid Butler,	4 do.
Scattering,	2 do.

Philip Sweetzer, having received a majority of the whole number of votes given, was by the President of the Senate, in presence of both Houses of the General Assembly, declared duly elected Prosecuting Attorney of the fifth judicial circuit, for the term of two years from and after this day.

The Senate then retired to their chamber;

And then the House adjourned till to-morrow morning at nine o'clock.

TUESDAY MORNING, DECEMBER 14, 1830.

The House met pursuant to adjournment.

Mr. Pollock presented a petition of Joel Decoursey and others, praying an amendment of the act incorporating the town of Rising Sun;

Which was read and referred to a select committee of Messrs. Pollock, Dumont and Skeen.

Mr. Stewart presented a petition of James Ritchey and others, praying relief to Mordecai Swaney, and the establishment of an asylum, at Indianapolis, for transient paupers of the state;

Which was read and referred to the committee on claims.

The following communication, in writing, was received from the Governor, by Mr. Heylin, his private secretary, to wit:

EXECUTIVE DEPARTMENT, }
Indianapolis, Ia. Dec. 14, 1830. }

HON. SPEAKER OF THE

House of Representatives:

SIR—At the request of the Governor of the state of Mississippi, I lay before you for the House of Representatives, a re-

port and some resolutions of the state aforesaid, claiming as her right, all the unappropriated lands within her limits. This is a response to the report and resolutions of Indiana, on the same subject.

With high considerations,

I am, sir, your obd't serv't,

J. BROWN RAY.

Which, with the documents accompanying, was read and ordered to lie on the table.

A message from the Senate by Mr. Morris, their assistant secretary:

Mr. Speaker:

The Senate have adopted the following resolutions, to wit:

1. *Resolved*, That it is expedient that a full and complete compilation and revision of the statutes of the state should be made during the present session of the General Assembly.

2. *Resolved*, That a committee of revision, to consist of five senators, be appointed on the part of the Senate, to act with a similar committee to be appointed on the part of the House of Representatives, with authority to make said compilation and revision, and draw the same up in the form of bills, and report the same for enactment.

3. *Resolved*, That the said joint committee of revision be and they are hereby authorised to appoint sub committees of the members of the Senate and House of Representatives, and apportion among such sub committees, separate portions of the law, and to aid in such compilation and revision, to employ the necessary number of clerks, to enable them to perform the duties assigned them, at as early a day in the session as possible.

4. *Resolved*, That the House of Representatives be informed of the foregoing resolutions and their concurrence requested, and a similar committee on their part appointed.

Messrs. Stevens, McKinney, Whitcomb, Graham and Linton are appointed said committee on the part of the Senate.

Mr. Hillis moved the following resolution:

Resolved, That the House of Representatives reciprocate the resolutions of the Senate for the compilation and revision of the statute laws of this state, and that a committee of revision, consisting of five members, be appointed on the part of this House, with authority to appoint sub-committees, and employ clerks in conformity with said resolutions.

Ordered, That said resolution do lie on the table.

Mr. Holman presented a communication from the clerk of Elkhart county, being an enumeration of the white male inhabitants above the age of twenty-one years in said county;

Which was read and ordered to lie on the table.

Mr. Russell presented several petitions of George Smith and others, respectively praying a change in part of the state road leading from Indianapolis to Lafayette; also a remonstrance of Adam Wright and others, against said petition; which were severally read and referred to the committee on roads.

Mr. Galletely presented two several petitions of sundry citizens of Greene county, for a relocation of the state road from Bono to Terre-Haute; also a remonstrance of sundry citizens of said county against the same;

Which were severally read, and referred to the committee on roads.

Mr. Worth presented a petition of Francis M'Clelland for relief;

Which was read, and referred to the committee on claims.

Mr. Parks presented a petition of Sarah Flinn, on behalf of the infant heirs of William Flinn deceased, praying an act authorizing Matthew Flinn to convey the lands of said infant heirs, pursuant to the verbal contracts of their ancestor, William Flinn;

Which was read and referred to a select committee of Messrs. Parks, Owens and Herod.

Mr. Hendricks presented two several petitions of sundry citizens of Decatur county, praying that a bridge over Clifty, free of toll, may be built, by authority of law;

Which were read, and referred to the committee on roads.

On motion of Mr. Bence,

The petition of John Abbott and others, praying encouragement to agriculture, laid on the table on the 11th inst. was taken up and referred to a select committee of Messrs. Bence, Dumont and Galletely.

Mr. Holman presented a petition of Henry Cooper, county surveyor for Allen county, praying an act to allow additional fees to county surveyors;

Which was read and referred to a select committee of Messrs. Holman, Hillis and Elliott.

Mr. Holman presented a petition of Samuel Hanna, admin-

administrator of Isaac Burnett, deceased, formerly of Fort Wayne, praying that the proceedings in said administration may be transferred from the Probate Court of Randolph county to the Probate Court of Allen county;

Which was read and referred to a select committee of Messrs. Holman, Wallace of F. and Wright.

Mr. Wallace of F., from the committee on the judiciary, made the following report:

The committee on the judiciary to which was referred a resolution of this House, instructing them to enquire into the necessity of revising the various statute laws of the state, have had the same under consideration, and have instructed me to report the following resolutions:

Resolved, That it is necessary to revise the various statute laws of this state, during the present session of the General Assembly; and that a committee of five be appointed from this House, to act with a similar committee to be appointed by the Senate, who shall jointly constitute a revisory committee, with power to divide the labour, appoint sub-committees, and employ as many clerks as they may deem necessary, to aid in the completion of the work.

Resolved, That the Senate be informed of the adoption of this resolution and a similar one be requested on their part;

Which report and resolutions were read and ordered to lie on the table.

Mr. Pollock, from the committee on roads, to which was referred the petition of David Clark and others, reported a bill for the location and opening of a state road from Logansport, by way of Turkey creek and Elkhart prairies, to the northern line of the state, in the direction of Pigeon prairie in Michigan territory;

Which was read the first time and passed to a second reading to-morrow.

On motion of Mr. M'Nary,

Resolved, That the committee on roads be instructed to enquire into the expediency of so amending the road law as to require petitioners for a change in any state road, to give notice either in the nearest newspaper or in writing, at three of the most public places adjacent to the place proposed to be changed, at least three months prior to the meeting of the legislature.

On motion of Mr. Craig,

Resolved, That a select committee be appointed to enquire into the expediency of allowing the state revenue of Switzer-

land county for one year to the inhabitants thereof, for the purpose of digging a salt well on Indian creek in said county.

Ordered, That Messrs. Craig, Armstrong and Wallace of J. be that committee.

On motion of Mr. Bussell,

Resolved, That a select committee be appointed to enquire into the expediency of so amending the estray laws, as to compel the clerks of the several Circuit Courts in this state to furnish the Secretary of State with a transcript of their estray dockets, on or before the first Mondays of January and July in each year, and the Secretary of State be required to have the same published in a paper to be prepared for that purpose, and transmit a copy of the same to each clerk in the state, and the expense of the same to be paid out of the state treasury;

Whereupon,

Messrs. Bussell, Hoover, Smiley and Casey were appointed that committee.

On motion of Mr. Logan,

Resolved, That the committee on the affairs of the state prison be directed to report to this House:

1. What number of convicts there is, at this time, confined in the penitentiary, and what number of males and females, white or coloured.

2. The nature of the crimes for which they were severally committed.

3. What is the nature of their treatment, and whether any just cause exists of complaint on their part.

On motion of Mr. Kinney,

Resolved, That the committee of ways and means be instructed to enquire into the expediency of taxing all wooden clocks, hereafter brought into this state for sale; and of providing by law that no person shall sell wooden clocks within this state, until he shall have obtained a license for that purpose; and that they have leave to report by bill or otherwise.

On motion of Mr. Pollock,

Resolved, That the committee on military affairs be instructed to enquire into the expediency of so amending the militia law, as to exempt members of fire companies from militia duty, and report by bill or otherwise.

On motion of Mr. Wallace of J.,

Resolved, That the judiciary committee be instructed to examine the third provision of the sixth section of an act of Con-

gress entitled, "An act to enable the people of the Indiana territory to form a Constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states," approved April 19th, 1816, and report to this House whether, under the provisions of said act, the legislature of this state have a right to appropriate any part of the three per cent. fund for the improvement of the navigation of streams; and whether such appropriations, when made, are not in violation of the express letter of the act above referred to.

On motion of Mr. Lynd,

Resolved, That the committee on roads be instructed to enquire into the expediency of adopting a uniform system of working on roads, with leave to report thereon by bill or otherwise.

On motion of Mr. Reiley,

Resolved, That his Excellency the Governor be requested to inform this House, whether any report of the Engineer, appointed in pursuance of an act of Congress, to examine the obstructions in the Wabash river, has been furnished to him by the Secretary of War; or if any correspondence has taken place between him and the Governor of Illinois, within the last year, upon this subject; and if so, to transmit to this House, all information he may have, touching this subject.

Mr. Ferris moved the following resolution; which was read and laid upon the table, to wit:

Resolved, That a select committee be appointed to enquire into the expediency of proportioning taxation and representation, so that each county or representative district shall pay to the state treasury an equitable proportion of the state revenue, taking representation as the basis of such apportionment.

On motion of Mr. Russell,

Resolved, That the committee of ways and means be instructed to enquire into the expediency of so amending the law now in force, relative to assessing a tax for county purposes, that the board doing county business shall not be authorized to lay a tax on brass clocks to exceed fifty cents.

Mr. Soper, after having obtained leave, presented a joint resolution relative to an appropriation of land to aid in the improvement of the state road from Madison to Indianapolis;

Which was read the first time, and passed to a second reading to-morrow.

Mr. Coffin, after having obtained leave, presented a bill amendatory to the several acts regulating taverns;

Which was read the first time and passed to a second reading to-morrow.

Mr. Paddacks, after having obtained leave, presented a bill authorizing an asylum for the poor in the county of Harrison;

Mr. Bence, after having obtained leave, presented a bill for the appropriation of money to aid in building a bridge over Falling Run, in the county of Floyd;

Which two last named bills were severally read the first time and passed to a second reading to-morrow.

And then the House adjourned till two o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The resolution relative to reciprocating the resolutions of the Senate, on the subject of a revision of the laws, laid upon the table this morning, was taken up,

And the ayes and noes being called for by two members, on the question of its adoption,

Those who voted in the affirmative, are,

Messrs. Armstrong, Bell, Bence, Bussell, Casey, Claypool, Craig, Cume, Decker, Dowden, Elliott, Ferris, Finley, Gardner, Hendricks, Herod, Hillis, Holman, Hoover, Kinney, Levenworth, Long, Lowry, Owens, Paddacks, Parks, Pitcher, Pollock, Read of D. and M., Roe, Russell, Semans, Skeen, Smiley, Suter, Stewart, Wallace of F., Wallace of J., Work, Worth, Wright and Zenor—42.

And those who voted in the negative, are,

Messrs. Bentley, Boon, Coffin, Dumont, Galletely, Hall, Hamilton, Hankins, Logan, Lynd, Reiley, Schoonover and Hawk, speaker—13.

And so said resolution was adopted.

Ordered, That Messrs. Hillis, Kinney, Ferris, Wallace of F. and Herod be said committee.

Ordered, That the clerk inform the Senate.

The House then proceeded to consider the orders of the day.

The bill compensating Benjamin Jones for building a bridge across Bussers creek in Sullivan county; and

The bill to authorize the erection of a bridge across White-

water river, were severally read the second time and committed to the same committee of the whole to which is committed "the bill for the appropriation of money to aid in building a bridge over the big fork of Walnut and improve the navigation of Eel river."

The memorial of the General Assembly of the state of Indiana relative to John Burk, a revolutionary soldier; and

The bill to repeal certain acts relative to Gibson county were severally read the second time and ordered to be engrossed for a third reading.

The engrossed bill from the Senate for the relief of John J. Lewis, late collector of Shelby county, was read the second time and passed to a third reading to-morrow.

The bill to repeal part of the 4th section of the "act regulating the practice of medicine," was read the second time and committed to a committee of the whole House for Saturday next.

The joint resolution for a turnpike road from Lawrenceburgh to the southern bend of the St. Joseph river, was read the second time; when

Mr. Finley moved to amend said bill by striking out so much thereof as fixes intermediate points between Lawrenceburgh and Fort Wayne;

Which motion was decided in the negative.

Mr. Bussell moved to amend said joint resolution, by striking out the word "Lawrenceburgh," wherever the same occurs, and inserting in lieu thereof the word "Jeffersonville;"

Mr. Wallace of J. moved to amend said amendment, by inserting therein, after the word "Jeffersonville," where it first occurs, these words—"by way of Madison;"

Which motion was decided in the negative.

The question then recurring on the amendment proposed by Mr. Bussell, the same was decided in the negative; and,

On motion of Mr. Hillis,

Said joint resolution was committed to a committee of the whole House for Saturday next.

The bill to provide for better securing to the several Congressional townships the rents and profits of the 16th sections therein, was read the second time and referred to the committee on education.

The bill for the appropriation of money to assist in building a bridge across Eel river and for other purposes was read the second time.

Mr. Decker moved to amend the same, by adding the following as an additional section, viz:

SEC. "That the sum of one hundred and fifty dollars out of the three per cent. fund be appropriated for the purpose of building a bridge over Mill creek, and making the necessary causeway, near said creek, in Vincennes township, Knox county, on the state road from Vincennes to Spencer in Owen county; and that Henry D. Wheeler of Vincennes be appointed commissioner to superintend the building of said bridge and causeway;" and

Before the question was put on said motion,

Said bill and proposed amendment were ordered to be committed to the same committee of the whole House to which is committed the "bill for the appropriation of money to aid in building a bridge over the big fork of Walnut and to improve the navigation of Eel river."

The bill compensating George Pea for extra causewaying on the state road leading from Brookville to Indianapolis, was read the second time, and

On motion of Mr. Kinney,

Was so amended as to provide that the money therein allowed said Pea should be paid out of any money that might hereafter be appropriated on said road.

The said bill was then ordered to be engrossed and read a third time to-morrow.

And then the House adjourned till to-morrow morning, at nine o'clock.

WEDNESDAY MORNING, DECEMBER 15, 1830.

The House met pursuant to adjournment.

Messrs. Boon and Galletely, entered the following protest against the adoption of the resolution presented yesterday relative to a revision of the statute laws of the state, viz:

The undersigned members, in behalf of themselves and their constituents, are desirous to improve and make known the existing laws, but apprehending danger in the mode adopted, and knowing the unnecessary expense to which this mode will subject the people, now enter their solemn protest against its adoption. If a mode more economical and more certain to produce satisfaction and benefit were not obvious, the undersigned would be freed from their present apprehensions of in-

jury: but such a mode is obvious, a mode that would save thousands of the people's money, and allow of the due investigation of various contemplated alterations for the general benefit of the citizens of this fast growing state in population and other resources. Therefore the undersigned fearing confusion worse than now exists, and opposed to great expense for little benefit, are bound in justice to themselves, to record their opinions.

We thus object to the present mode of revision, because it will impoverish the treasury by a long session. Upwards of eighty men to superintend the arrangement of existing acts, that one man for a reasonable sum, could accomplish more satisfactorily, and report to the next session, with accuracy, and because it may not unlikely, be an inaccurate and useless revision by the bustle and confusion, hurry is likely to create—but also may be rendered so by the anticipated revision of our constitution on the part of the people; and finally because it will defeat a large portion of the new business of the session, when a much more advisable course in every respect, ought to have been adopted.

GEORGE BOON,
JAMES GALLETELY.

Mr. Kinney presented a petition of sundry citizens of Lawrence, Green, Clay, Sullivan, and Vigo counties, praying an appropriation of money from the three per cent. fund on the state road, leading from Bono to Terre-Haute;

Which was read, and referred to the committee on roads.

Mr. Bence presented a petition of James Johnson 3d, and other citizens of Clark county, praying that part of said county may be attached to the county of Floyd;

Which was read and referred to the same select committee to which the bill on that subject is referred.

Mr. Lowry presented a petition of John Kimberlin, senr., for relief;

Which was read, and referred to a select committee of Messrs. Lowry, Hamilton and Soper.

Mr. Parks from the select committee to which was referred the petition of Sarah Flinn, reported a bill to authorize Matthew Flinn to convey certain lots in the town of Leesville;

Which was read the first time and passed to a second reading to-morrow.

Mr. Kinney from the select committee to which was referred a resolution of this House on that subject, reported a bill to prevent the destruction of timber upon the State canal lands;

Which was read the first time and passed to a second reading to-morrow.

Mr. Wallace of J., from the select committee to which was referred a "bill to regulate the mode of doing county business in the several counties in this state;" and a "bill to provide for the erection of an asylum in each judicial district," reported to this House by the committee on unfinished business, reported the same without amendment;

Whereupon,

The said bills were severally read the first time and passed to a second reading to-morrow.

A message from the Senate by Mr. Morris, their assistant secretary:

Mr. Speaker,

I am instructed by the Senate to inform the House of Representatives that they have passed an engrossed bill from the House of Representatives, entitled "An act changing part of the State road leading from the town of Newcastle, in Henry county, to Crawfordsville, in Montgomery county, without amendment; and an engrossed joint resolution, originating in the Senate, in favor of William Lindsey and others, to which the concurrence of the House of Representatives is requested.

The said joint resolution was read the first and second times, (the rules of the House having first been dispensed with,) and committed to a committee of the whole House for to-morrow.

On motion of Mr. Craig,

Mr. Pollock was added to the select committee appointed under a resolution adopted yesterday, to enquire into the expediency of allowing the state revenue of Switzerland county, for one year, to be used by that county, in digging a salt well on Indian creek.

Mr. Ferris moved the following resolution;

Which was read and ordered to lie on the table, viz:

Resolved, That the communication of the Secretary of State, made on the 13th inst., relating to the number of white male inhabitants in the several counties of this state, be referred to a select committee with instructions to compute from the best data they can obtain, the number of such persons in the counties from which no returns have been made, and report their proceedings to this House, in order that such numbers may be printed with said report.

Mr. Boon moved the following resolution:

Resolved, That the committee appointed to arrange and dis-

tribute the laws for revision, be instructed to collate the several acts systematically under their proper titles in print, as they are now in force, and suggest such imperfections or change of phraseology as they deem proper in manuscript notes or references: also to designate such acts or parts of acts as they think should be repealed, and recommend the passage of such new acts as such repeal might render beneficial; also to call upon the secretary of state for two copies of the revised code of 1824 and two copies of all subsequent acts, to enable them by the use of scissors to perform one portion of the duty hereby enjoined, and allow the law as it now stands under each title in print, to be read without alteration, with the changes that may be proposed: also to procure a copy of the reported decisions of the Supreme court as published, and affix references thereto, under the several acts now in force, so far as they have been adjudicated upon by said court; and that a copy of this resolution be reported to the Senate, and a similar one on their part requested.

Mr. Wallace of J., moved to amend said resolution by striking out so much thereof as requires said committee to procure a copy of, and to affix references to the decisions of the Supreme Court, and

Before the question was put upon said motion,

Mr. Hillis moved to lay said resolution and proposed amendment on the table;

Which motion was carried in the affirmative.

On motion of Mr. Stewart,

Resolved, That the judiciary committee be instructed to enquire into the expediency of repealing so much of the 2nd and 3rd sections of an act entitled, "An act regulating the interest of money in the state of Indiana," as makes it unlawful to take more than six per cent. interest thereon.

Mr. Bussell moved the following resolution:

Resolved, That a select committee be appointed to enquire into the expediency of so amending the revenue law as to compel the collector to meet the citizens of each township in the several counties in this state, at the usual places of holding elections on some day or days to be affixed by law, to receive the state and county revenue, and reduce his fees accordingly, and report by bill or otherwise.

Mr. Smiley moved to amend said resolution by striking out the word "collector," and inserting in lieu thereof the word "citizens," and by striking out the word "citizens," and inserting in lieu thereof the word "collector;"

Which motion was carried in the affirmative.

Said resolution as amended was then adopted.

Ordered, That Messrs. Bussell, Smiley and Hoover, be said committee.

Mr. Herod moved the following resolution:

Resolved, That one hundred copies of the report of the Secretary of State, relative to the enumeration of white male inhabitants, &c., be printed for the use of the members of this House;

Which was read and ordered to lie on the table.

Mr. Hall, moved the following resolution:

Resolved, That the judiciary committee be instructed to enquire into the expediency of providing by law for taking the deposition of witnesses, to be read as evidence in all cases where the witness resides out of the county in which said suit may be brought:

Mr. Read, of D., and M., moved to lay said resolution on the table;

Which motion was decided in the negative; and

On the question to adopt said resolution it was carried in the affirmative.

A communication in writing was received from the Governor, by Mr. Heylin, his private secretary;

Which was read and referred to the committee on canals and internal improvements, as follows, to-wit:

EXECUTIVE DEPARTMENT,)

Indiana, Indianapolis, Dec. 15, 1830. }

HON. ISAAC HOWE, *Speaker*

of the House of Representatives:

SIR: In obedience to a resolution of the House of Representatives of yesterday, on the subject of the Wabash obstructions, and correspondences between the Governor of this state, and the Governor of the state of Illinois, and Secretary of War, relative to the same; and the report of the United States' Engineer, appointed by an act of Congress to examine the Wabash River, I have the honor of laying before you the following letter, to-wit:

EXECUTIVE DEPARTMENT,)

Ind. Inds. March 25, 1830. }

HON. JOHN H. EATON,

Secretary of War.

SIR—The 5th section of an act (of the last General Assembly of this state,) providing for improvement of the navigation

of the Wabash, below Vincennes, makes it my duty to correspond with the Secretary of War, and obtain from the Department over which he presides, the reports of the United States' Engineers who were ordered to examine the Grand Rapids of the Wabash in 1828, and when obtained to report the same to the state engineer of this state, &c.

Under this authority, permit me respectfully, sir, to solicit your attention to the wishes of the Legislature, and to request that you will forward to me, transcripts of the proceedings of the said engineer, including such memoranda, topographical or other notes or estimates, as may be in your office.

Very respectfully, I am sir,

Your obedient servant,

J. BROWN RAY.

DEPARTMENT OF WAR, }

April 15th, 1830. }

TO HIS EXCELLENCY, J. B. RAY,

Governor of Indiana:

SIR—In reply to your communication of the 26th March ult., relative to the improvement of the Wabash river, and requesting to be furnished with the reports of the Engineer, who examined the rapids of the river, I have the honor to state that those reports have not yet been prepared. It is, however expected, that they will be completed in the course of a few weeks, when your wishes in regard to them will be complied with.

I am, very respectfully, sir,

Your obedient servant,

J. H. EATON.

“EXECUTIVE DEPARTMENT, }

Ind's, Indiana, March 26, 1830. }

TO HIS EXCELLENCY,

The Governor of the State of Illinois:

SIR—By the 4th section of an act for the improvement of the navigation of the Wabash below Vincennes, passed at the last General Assembly of this state, and a copy of which act is herewith enclosed, you will perceive that the Governor of this State, is requested to correspond with your excellency on this subject, & inform you of the passage of this act, and invite a union of effort of the two states in the removal of an obstruction of common detriment to both. I have the honor now of discharging that duty, and of laying before you the proceedings of this

state, by which you will be fully enabled to comprehend what is contemplated by her.

The vast and rapidly increasing interest which is felt, in the removal of the Wabash rapids, justify me in earnestly pressing this matter upon the serious attention of the state of Illinois, through her executive, and will doubtlessly stimulate you to present the whole subject to your Legislature, in its most pleasing and striking aspect. comment on the importance of the work in view is unnecessary. All acknowledge its utility.

I have the honor to be, sir,

Very respectfully your ob't serv't,

J. B. RAY."

To the last letter to the Governor of Illinois, no answer has been received, and is scarcely expected as it will form a subject of legislation for that state. I have not heard from the Secretary of War since his said letter came to hand.

Respectfully I am, &c.

J. B. RAY.

Mr. Herod moved the following resolution:

Resolved, That the committee of ways and means be instructed to enquire into the expediency of increasing the premium on wolf scalps.

Mr. Finley moved to amend the same by inserting therein after the word "increasing" these words "or reducing;"

Which motion was decided in the negative.

Mr. Hoover moved to amend said resolution by adding at the end thereof these words, "be paid out of the county treasury,"

And before the question was put thereon,

Mr. Read of D., and M., moved to lay said resolution and proposed amendment on the table;

Which motion was carried in the affirmative;

Mr. Finley after having obtained leave, presented a bill to aid in the construction of a bridge across the east fork of White-water river.

Mr. Soper after having obtained leave, presented a bill to improve the navigation of Sand creek, and the Muscakituk river;

Which were severally read the first time and passed to a second reading to-morrow.

The House then proceeded to consider the orders of the day:

The bill for the re-location of the county seat of Elkheart county.

The bill to amend an act entitled "An act for the relief of the infant heirs of Westley Harrison, deceased."

The bill incorporating the Levenworth Seminary Society, &

The bill for the location and opening a state road by Logansport by way of Turkey creek and Elkhart prairies, to the northern line of the state, in a direction of Pigeon Prairie in Michigan Territory,

Were severally read the second time and ordered to be engrossed and read a third time to-morrow.

The joint resolution relative to public printing, was read the second time, and

On motion of Mr. Wallace of J.,

Was ordered to lie on the table.

The bill to provide for improving the south fork of the Muscakituk,

The bill to appropriate money to build a bridge across Salt Creek,

The bill making appropriations to construct a bridge over Tanner's Creek in the county of Dearborn,

The bill to provide for the improving the navigation of Laughery creek,

The bill appropriating money to aid the people of Kelso, Manchester, and Lawrenceburgh townships, to build a bridge across the salt fork of Tanner's creek, and

The bill for an appropriation to aid in building a bridge over Falling Run in Floyd county,

Were severally read the second time, and ordered to be committed to the same committee of the whole House to which was committed the "bill for the appropriation of money to aid in building a bridge over the big fork of Walnut, and to improve the navigation of Eel river."

The joint resolution relative to an appropriation of land to aid in the improvement of the State Road from Madison to Indianapolis,

Was read the second time, when

Mr. Herod moved to amend the same by striking out therefrom the words "Clifty Creek in" and inserting in lieu thereof the words "north line of;"

Which motion was decided in the negative.

Mr. Kinney then moved to lay said joint resolution on the table,

Which motion was decided in the negative.

Mr. Crume moved to commit said joint resolution to the same committee of the whole House to which is committed the "memorial on the subject of a road from Lawrenceburg to the southern bend of the St. Joseph;

Which motion was decided in the negative.

The said joint resolution was then ordered to be engrossed and read a third time to-morrow.

The bill amendatory to the several acts regulating taverns, was read the second time and committed to a committee of the whole House, for to-morrow.

The bill authorising an asylum in the county of Harrison, was read the second time and committed to the same committee of the whole House, to which is committed the "bill to authorise an asylum in the county of Wayne."

The Speaker laid before the House, the following communication from the Governor:

EXECUTIVE DEPARTMENT, }
Indianapolis, Ia. Dec. 16, 1830. }

HON. SPEAKER OF THE
House of Representatives:

SIR—Lest it may be supposed, that I have intentionally done injustice to the national authorities, in remarking in my message, that they had not furnished any of the state authorities with an opportunity of defending her interests, by notifying them of the opinion entertained at Washington as to the selection of the Michigan road lands, I feel it my duty to state, that the contents of the communications made by the acting commissioner of the General Land Office, and the approval of the Secretary of the Treasury, were not *known* or communicated to me. The road commissioners did not furnish me with copies of those documents, and the first time that I saw them, was, in the newspapers of to-day.

I have the honor to be, sir,
very respectfully, &c.

JAMES B. RAY.

And then the House adjourned till 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Dumont,

The orders of the day were postponed for the present, and the bill appropriating money to build a bridge over Indian creek, was taken up and committed to the same committee of the whole House to which are committed sundry bills making appropriations out of the three per cent fund.

The House then resumed the consideration of the orders of the day.

The engrossed memorial on the subject of John Burk, a revolutionary soldier, and

The engrossed bill to repeal certain acts relative to Gibson county,

Were severally read the third time and passed.

Ordered, That the said engrossed bill, be entitled an act, and that the clerk carry it together with said memorial to the Senate and ask their concurrence.

The engrossed bill from the Senate for the relief of John J. Lewis, late collector of Shelby county,

Was read the third time and passed:

Ordered, That the clerk inform the Senate.

The engrossed bill compensating George Pea for extra causewaying on the state road from Brookville, to Indianapolis, was read the third time, when

On motion of Mr. Boon,

Said bill was referred to a select committee with instructions to amend the same so that the money therein allowed shall be paid out of the three per cent fund.

Ordered, That Messrs. Boon, Bussell and Roe, be that committee.

The House then resolved itself into a committee of the whole on the bill confirming to John J. Akin, Alexander Walker, and John J. Livingston, certain rights;

And after some time spent therein, the Speaker resumed the chair, and

Mr. Dumont reported the same without amendment.

Said bill was then ordered to be engrossed and read a third time to-morrow.

The House then resolved itself into a committee of the whole on the bill authorising an asylum in the county of Wayne,

And the bill authorising an asylum in the county of Harrison; and after some time spent therein, the Speaker resumed the chair; and

Mr. Reiley reported said bills with sundry amendments, in which he asked the concurrence of the House;

The House concurred therein generally:

The said first named bill was then ordered to be engrossed and read a third time to-morrow; and the further consideration of said last named bill was indefinitely postponed.

The House then resolved itself into a committee of the whole, on the joint resolution on the subject of a Land Office in the northern part of the state; and after some time spent therein the Speaker resumed the chair and Mr. Boon reported the same without amendment.

Said joint resolution was then ordered to be engrossed and read a third time to-morrow.

The House then resolved itself into a committee of the whole, on the bill authorizing a travelling penitentiary, and after some time spent therein the Speaker resumed the chair and Mr. Hall reported the same without amendment; when

Mr. Roe moved that the further consideration of said bill be indefinitely postponed, and

Before the question was put on said motion,

Mr. Read of D. and M. moved that said bill be laid on the table;

Which motion was carried in the affirmative.

And then the House adjourned till nine o'clock to-morrow morning.

THURSDAY MORNING, DECEMBER 16, 1830.

The House met pursuant to adjournment.

Mr. Ferris presented two several petitions of Jeremiah Phinney and others, praying that authority may be granted to said Jeremiah to erect a toll-gate on the bridge over Tanner's creek at Lawrenceburgh;

Which were read and referred to a select committee of Messrs. Ferris, Pollock, Armstrong and Dowden.

Mr. Claypool presented a petition of the proprietors of the town of Rob Roy and others, praying that the name of said town may be changed to Birmingham;

Which, with accompanying documents, was read and referred to a select committee of Messrs. Claypool, Semans and Kinney.

Mr. Armstrong presented the petition of James Leonard and Abigail his wife, praying that their marriage may be legalized, and that the bonds of matrimony heretofore existing between said Abigail and Daniel Bilderback may be dissolved;

Which was read and referred to a select committee of Messrs. Armstrong, Pollock, Dumont, Read of D. and M. and Ferris.

Mr. Galletely presented a petition of David Cooper and others, praying that a part of Lick creek, a branch of Eel river, may be declared navigable;

Which, with an accompanying document, was read and referred to the committee on canals and internal improvements.

Mr. Boon presented a petition of Richard Dodd, praying relief.

Which was read, and referred to the committee on claims.

Mr. Pitcher presented a petition of sundry citizens of Perry county, praying an act to legalize certain proceedings of the board of commissioners of said county;

Which was read and referred to a select committee of Messrs. Pitcher, Stewart and Casey.

Mr. Holman presented a petition of sundry citizens of Allen county, praying that the premium on wolf scalps may be increased, and a petition of sundry citizens of Elkhart county on the same subject;

Which were read and referred to a select committee of Messrs. Herod, Holman, Semans, Claypool, Bell and Boon.

Mr. Read of D. and M., from the committee of ways and means to which was referred a petition on that subject, reported a bill for the relief of Joseph Prior, security of John Parks, late collector of Decatur county;

Which was read the first time and passed to a second reading to-morrow.

Mr. Armstrong, from the committee of ways and means, to which was referred a resolution of this House, directing them to enquire into the expediency of so amending the law, now in force, relative to assessing a tax for county purposes, that the board doing county business shall not be authorised to lay a tax on brass clocks, to exceed fifty cents, reported that they have

had the same under consideration, and are of opinion that it is inexpedient to legislate on that subject at this time.

Which was read and concurred in.

Mr. Hall from the judiciary committee to which were referred a bill regulating Indian descents and for other purposes; a bill respecting a revision of the Constitution of this state; a joint resolution on the subject of a canal from the Wabash river to White river and thence to the Ohio; a joint resolution relative to the duties on imported salt; and a joint resolution of the General Assembly of the state of Indiana, relative to the Indian tribes within the limits of said state, reported that they have had the same under consideration, and recommend the adoption of the following resolution:

Resolved, That the further consideration of the said several bills and joint resolutions be indefinitely postponed.

Which report and resolution were read, and together with said bills and joint resolutions were ordered to lie on the table.

Mr. Dumont from the judiciary committee, to which was referred so much of the Governor's message as relates to imprisonment for debt, reported, that they have had the same under consideration, and are of opinion with his Excellency, that great wrongs and injustice may grow out of the present system of holding to bail under the *capias ad respondendum*, in actions where the defendant may be held to bail without affidavit, and are of opinion that an affidavit should be required in all cases where the action is not founded on a note or instrument of writing, signed by the defendant; and that affidavits made in other states ought to be received the same as the proceedings of foreign courts under the act of Congress: And as the committee are advised that the legislature are about to revise the statute laws of this state the present session, they have refrained from reporting a bill containing the subject matter referred to by his Excellency; but instead thereof recommend, that the subject be referred to such committee of revision as may be directed to revise the laws for the relief of insolvent debtors, the law respecting writs of *capias ad satisfaciendum* and other laws respecting imprisonment for debt, with instructions to incorporate the foregoing amendment in the body of the same;

Which was read and concurred in.

Mr. Dumont from the judiciary committee, to which was referred the petition of George Secrist, praying articles of impeachment against Joseph F. Farley, judge of the probate court for the county of Putnam, reported that they have had

the same under consideration, and are of opinion, that inasmuch as the truth of the charges is not supported by affidavit; and as the witnesses named by whom it is said the charges can be proved, reside at a distance, it would be inexpedient to take further steps on said petition. It would be a bad and dangerous precedent to send a distance for witnesses to support charges, the truth of which the complainant has himself neglected to verify by oath, or to procure any other person, cognizant of the facts to do it for him.

The committee believe it the duty of the House of Representatives to examine into complaints against public officers, and on all occasions to call them to account for mal conduct. But should the House of Representatives pursue the course of instituting enquiries upon mere assertion, they might thereby give aid to the malicious and revengeful, and become indirectly the instruments of injustice and oppression:

Which report was read and concurred in.

Mr. Coffin from the committee on claims, to which was referred the petition of Jesse Wright, reported that they have had the same under consideration and are of opinion that said Jesse Wright ought to be allowed the sum of thirteen dollars, and that the committee of ways and means be directed to allow the same in the specific appropriation bill:

Which was read and concurred in.

Mr. Zenor from the committee on claims, to which was referred the petition of Francis McClelland, reported, that they have had the same under consideration, and are of opinion, that it is inexpedient to grant the prayer of said petitioner;

Which was read and concurred in.

Mr. Stewart from the committee on claims, to which was referred the petition of James Ferris, reported a bill for the relief of James Ferris, trustee of the county seminary of Dubois county;

Which was read the first time and passed to a second reading to-morrow.

Mr. Hamilton from the committee on claims, to which was referred the petition of James Ritchey and others, praying relief to Mordecai Sweny, reported that they have had the same under consideration and are of opinion that the laws now in force provide effectually for the relief of said Sweny, and ask to be discharged from the further consideration of the subject;

Whereupon,

It was ordered said committee be discharged accordingly.

Mr. Pollock from the committee on roads, to which was re-

ferred the petition of David Jewett and others, praying the erection of a bridge across Clifty creek, in the county of Decatur, on the state road leading from Greensburgh to Rushville, reported, that they have had the same under consideration, and are of opinion that it is inexpedient to legislate on that subject at this time:

Which was read and concurred in.

Mr. Pollock from the committee on roads, to which was referred the petition of George Smith and others, praying a relocation of part of the state road leading from Indianapolis to Lafayette, reported, that they have had the same under consideration, and are of opinion that it is inexpedient to legislate on that subject, at this time:

Which was read and concurred in.

Mr. Worth, from the joint committee of enrolled bills, reported,

That they have compared the enrolled with the engrossed bills of the following titles, to wit:

An act to change part of the state road leading from the town of Newcastle, in Henry county, to Crawfordsville in Montgomery county; and

An act supplemental to an act for the appropriating of money to aid in building a bridge over Plumb creek;

And find them truly enrolled;

Whereupon, the speaker signed said bills.

Ordered, That the clerk carry them to the Senate for the signature of their president.

Mr. Roe, from the select committee to which was referred the engrossed bill compensating George Pea for extra causewaying, on the state road leading from Brookville to Indianapolis, reported the same with an amendment;

Which was read and concurred in.

The said amendment was then ordered to be engrossed, and the bill read a third time to-morrow.

Mr. Soper, from the select committee to which was referred the petition of Philene Fitzgerald, reported, that the committee have no doubt but that the facts set forth in said petition are strictly true, and that the petitioner is already divorced from the said Thomas Fitzgerald named in said petition.

The committee are constrained to adopt this opinion, from the fact that the said Thomas had a wife living in the state of Kentucky, at the time of his marriage with the said Philene, and that the marriage contract between the said Thomas and Philene is therefore null and void;

Which report was read, and

On motion of Mr. Hall,
Was ordered to lie on the table.

Mr. Pollock from the select committee to which was referred the petition of Joel Decoursey and others, reported that they have had the same under consideration and recommend the adoption of the following resolution:

Resolved, That the law enacted for the incorporation of towns be so amended as to privilege town trustees to purchase fire engines;

Which resolution was adopted by the House.

Mr. Wallace of J. from "the select committee to which was referred two communications of his Excellency of the 8th and 9th inst., reported, that they have had the same under consideration, and that they find said communications containing copies of three letters, addressed by his Excellency to the Secretary of War, and letters from Governor Cass and General Tipton to his Excellency; also a copy of a letter from the Secretary of War, acknowledging the receipt of the three letters referred to above and addressed him by his Excellency; that they find nothing in said communications upon which the legislature can found any useful or practicable proceeding; they therefore ask to be discharged from the further consideration of the communications;

Which report was read and concurred in; and

Ordered, That said committee be discharged accordingly.

On motion of Mr. Herod,

Resolved, That the judiciary committee be instructed to enquire into the propriety of repealing all laws and parts of laws declaring streams navigable, the beds of which streams have been sold by the United States; and whether such laws are constitutional until compensation be made to the owner thereof.

On motion of Mr. Hoover,

Resolved, That the committee on the affairs of the town of Indianapolis be instructed to investigate the books and accounts of the Agent of State at Indianapolis, and to report to this House a detailed account of the state fund derived from the sale of lots and lands of the donation at Indianapolis, with an account current of the receipts and expenditures of said agency since the last session of the General Assembly.

On motion of Mr. Reid of F.,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the law, in relation to probate business, as to allow an appeal from the probate to the circuit court.

Mr. Reilev moved the following resolution:

Resolved, That this House, doubtful of the course authorised by the resolution from the Senate for the revision of the laws; and operated upon by a conviction that other modes of revision much more safe and economical may be adopted, do hereby discharge the committee appointed under the concurrence of this House to said resolution; and that the Senate be informed of the adoption of this resolution.

The question being put, "Shall said resolution be adopted,"

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Bentley, Boon, Coffin, Decker, Dumont, Galletely, Hall, Hamilton, Hankins, Logan, Lynd, Read of D. and M., Reiley, Schoonover and Howk, speaker—15.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bell, Bence, Bussell, Casey, Claypool, Craig, Crume, Dowden, Elliott, Ferris, Finley, Hendricks, Herod, Hillis, Holman, Hoover, Kinney, Levenworth, Long, Lowry, M'Nary, Owens, Paddacks, Parks, Pitcher, Pollock, Reid of F., Roe, Russell, Semans, Skeen, Smiley, Soper, Stewart, Wallace of F., Wallace of J., Work, Worth, Wright and Zenor—42.

And so said resolution was not adopted.

Messrs. Reiley and Decker entered the following protest, against the adoption of the resolution presented on Tuesday last relative to a revision of the statute laws, viz:

"The undersigned members, some of whom, without due reflection, voted a concurrence to the resolution from the Senate, authorizing the compilation and revision of the laws, do now solemnly enter our protests against acting under said resolution, not that we would wish to be considered inimical to the revision of the laws; but we do consider the mode adopted by said resolution, as unsafe and expensive in the extreme; it is our firm conviction that one fourth the money which will necessarily be expended by the mode adopted by said resolution, would command a code of laws, properly digested and arranged, independent of the consideration of the sum of six thousand dollars, which we believe will be saved to the state.

(Signed)

JOHN C. REILY.
JOHN DECKER.

The Speaker laid before the House the following communication; which was read and laid on the table:

"TO THE HOUSE OF REPRESENTATIVES:

The Treasurer of State, in obedience to a resolution of the House of Representatives, instructing him to inform the House what amount of money has been paid out of the treasury, on account of the Wabash and Erie canal, to whom paid and for what purpose, beg leave to report:

That there has been paid to J. Sullivan, for his services as commissioner to the state of Ohio \$180 00

In December 1828, there was paid to Burr, John and Hanna, Canal Commissioners, for their services and expenditures, being a balance of the three per cent. fund 1192 45

The legislature of that year made an appropriation of \$1000 to the Commissioners, which was paid in June 1829 1000 00

The legislature of last year appropriated to pay the accounts exhibited to them 740 06

In May 1830 the Canal Commissioners drew for \$1000, part of the appropriation of last session 1000 00

There has been paid to John Cain for ten blank books for the auditor and treasurer 100 00

To S. Merrill, one year's salary 37 50

" M. Morris " " 25 00

The Commissioners have made no returns of their last proceedings, and from the manner in which the other payments have been allowed by the legislature, it will be seen that no other particulars, in relation to those payments have come to the office of the treasurer.

Respectfully submitted,

S. MERRILL, Tr. St.

The Speaker laid before the House two communications from the clerk of the Crawford county Circuit Court, and the trustee of the Seminary fund for said county, relating respectively to the seminary funds of said county:

Which were read and referred to the committee on education.

And then the House adjourned till two o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Hall moved the following resolution:

Resolved, That the joint committee of revision be instructed

to report a bill to this House re-organizing and establishing a board of commissioners to do the county business in each and every county in this state.

Mr. Armstrong moved to amend said resolution, by adding at the end thereof these words, "and also an auditor in each county;" and

Before the question was put, on said motion,

Mr. Wallace of J. moved to lay said resolution and proposed amendment on the table;

Which motion was carried in the affirmative;

On motion of Mr. Logan,

Resolved, That a select committee be appointed to enquire into the expediency of appropriating a part of the three per cent. fund to the improvement of the Muscatituck hill on the Mauks ferry state road, and for the improvement of so much of said road as lies between the said hill and the town of Salem in Washington county, with leave to report by bill or otherwise.

Ordered, That Messrs. Logan, Schoonover and Hamilton be that committee.

On motion of Mr. Bentley,

Resolved, That the committee of ways and means be instructed to enquire into the expediency of releasing all persons from the assessment and collection of a poll tax, who are not entitled to a vote in this state, till such disqualification be removed.

Mr. Kinney moved the following resolution:

Resolved, That the judiciary committee be instructed to report a bill for the organization of circuit probate courts, seven in number, with the same boundaries as the present judicial circuits, with one judge for each circuit to be elected, as the president circuit judges are now elected;

Which was read, and ordered to lie on the table.

On motion of Mr. Herod,

The resolution relative to increasing the premium on wolf scalps, laid on the table yesterday, was taken up; and

The question being put upon the amendment proposed thereto by Mr. Hoover, which was under consideration when the same was laid on the table,

It was decided in the negative; when

Mr. Herod moved so to amend said resolution as to refer the enquiry therein directed to the same select committee to which two petitions on that subject were referred, instead of the committee of ways and means;

Which motion was carried in the affirmative.

The question then recurring on the adoption of the resolution, as amended, it was decided in the negative.

On motion of Mr. Soper,

The report of the select committee, to which was referred the petition of Phileas Fitzgerald, laid on the table this morning, was taken up and concurred in.

On motion of Mr. Boon,

The resolution containing sundry instructions to the committee of revision, moved by him on yesterday and laid on the table, was taken up, and

The question being put on the amendment proposed thereto by Mr. Wallace of J., under consideration when the same was laid on the table, it was carried in the affirmative.

The question then recurring on the adoption of the resolution, as amended, it was decided in the negative.

Mr. Bussell moved the following resolution:

Resolved, That a select committee be appointed to enquire into the expediency of so changing the law, as it relates to the county treasury, as to authorize the citizens in the several counties in this state, to elect a treasurer on the first Monday in August, annually, and report accordingly.

And on the question to adopt the same,

It was decided in the negative.

On motion of Mr. Parks,

Resolved, That the committee on roads be requested to enquire into the expediency of appropriating a portion of the three per cent. fund towards opening the state road leading from Bono to Terre Haute, with leave to report by bill or otherwise.

On motion of Mr. Kinney,

The resolution presented by him, on this day, on the subject of probate circuits, was taken up; when

Mr. Reiley moved to postpone the further consideration thereof indefinitely,

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Beard, Bell, Bence, Bentley, Boon, Bussell, Casey, Claypool, Craig, Crume, Decker, Dowden, Dumont, Elliott, Ferris, Finley, Galletely, Hamilton, Hankins,

Hendricks, Hillis, Holman, Hoover, Levenworth, Logan, Long, Lowry, Lynd, M'Nary, Owens, Paddacks, Parks, Pollock, Read of D. and M., Reid of F., Reiley, Roe, Russell, Schoonover, Semans, Skeen, Smiley, Soper, Wallace of F., Wallace of J., Work, Worth, Wright, Zenor and Howk, speaker—31.

And those who voted in the negative are,

Messrs. Hall, Herod, Kinney, Pitcher and Stewart—5.

And so said resolution was definitely postponed.

Mr. Wallace of F. moved the following resolution:

Resolved, That the probate business shall hereafter be transacted in the circuit court—that there shall be three terms of said court per year, one of which terms to be occupied exclusively with probate and chancery business; when

Mr. Boon moved to postpone the further consideration thereof indefinitely,

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Beard, Bell, Bentley, Boon, Casey, Claypool, Craig, Crume, Decker, Dumont, Elliott, Ferris, Finley, Galletely, Hamilton, Hankins, Hendricks, Hillis, Holman, Hoover, Kinney, Levenworth, Logan, Long, Lowry, Lynd, M'Nary, Owens, Paddacks, Parks, Pollock, Read of D. and M., Reid of F., Reiley, Roe, Russell, Schoonover, Semans, Smiley, Soper, Wallace of J., Work, Worth, Wright and Zenor—45.

And those who voted in the negative are,

Messrs. Armstrong, Bussell, Coffin, Dowden, Hall, Herod, Pitcher, Skeen, Stewart, Wallace of F. and Howk, speaker—11.

And so said resolution was postponed indefinitely.

Mr. Bell, after having obtained leave, presented a bill providing for the location, opening and improvement of certain state roads therein named and for other purposes;

Which was read the first time and passed to a second reading to-morrow.

Mr. Holman from the select committee to which was referred the petition on that subject, reported a bill for the relief of Samuel Hanna;

Which was read the first time and passed to a second reading to-morrow.

Mr. Holman, from the select committee to which was referred the petition of Henry Cooper, reported a bill relative to the county surveyor of the county of Allen;

Which was read the first time and passed to a second reading to-morrow.

On motion of Mr. Reiley,

The several orders of the day which precede the engrossed joint resolution from the Senate, in favor of William Lindsey and others, were for the present postponed, and the committee of the whole to which the same was committed was discharged from the further consideration thereof.

The said engrossed joint resolution was then read the third time and passed.

Ordered, That the clerk inform the Senate.

On motion of Mr. Hall, (leave having been first granted,)

The resolution presented by him, on this day, instructing the joint committee of revision, to report a bill reorganizing and establishing the board of commissioners to do the county business in each and every county in this state, was taken up; and

The question being put, on the amendment proposed by Mr. Armstrong, which was pending when the said resolution was last under consideration,

It was decided in the negative.

The question then recurring on the adoption of said resolution,

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Beard, Bell, Boon, Bussell, Claypool, Crume, Decker, Dowden, Elliott, Ferris, Finley, Galletely, Gardner, Hall, Hamilton, Hankins, Hillis, Holman, Kinney, Long, M'Nary, Pitcher, Reid of F., Reiley, Russell, Skeen, Smiley, Soper, Stewart, Wallace of F., Wallace of J. and Worth—32.

And those who voted in the negative are,

Messrs. Armstrong, Bence, Bentley, Casey, Coffin, Craig, Dumont, Hendricks, Herod, Hoover, Levenworth, Logan, Lowry, Lynd, Owens, Paddacks, Parks, Pollock, Read of D. and M., Roe, Schoonover, Semans, Work, Wright, Zenor and Howk, speaker—26.

And so said resolution was adopted.

The House then proceeded to consider the orders of the day.

The bill to prevent the destruction of timber on the state canal lands was read the second time and ordered to be engrossed and read a third time to-morrow.

The bill to regulate the mode of doing county business in the several counties in this state, was read the second time and referred to the committee of revision.

The bill for the erection of an asylum in each judicial district was read the second time; when

Mr. Herod moved that the further consideration thereof be indefinitely postponed;

Which motion was carried in the affirmative.

The bill to aid in the construction of a bridge across the east fork of Whitewater river was read the second time; and ordered to lie on the table.

The bill to improve the navigation of Sand creek, and the north fork of the Muscakituk river, was read the second time and committed to the same committee of the whole to which are committed sundry bills making appropriations out of the three per cent. fund.

The engrossed bill confirming to John J. Akin, Alexander Walker and John J. Livingston certain rights;

The engrossed joint resolution relative to an appropriation of land to aid in the improvement of the state road from Madison to Indianapolis;

The engrossed bill to incorporate the Levenworth Seminary Society;

The engrossed bill for the location and opening a state road from Logansport, by the way of Turkey creek and Elkhart prairies, to the north line of the state, in a direction to Pigeon prairie, in Michigan territory.

The engrossed joint resolution on the subject of a Land Office in the northern part of this state; and

The engrossed bill for the relocation of the county seat of Elkhart county, were severally read the third time and passed.

Ordered, That the said bills be entitled acts, and that the clerk carry the same, together with said joint resolutions, to the Senate, and ask their concurrence.

The engrossed bill, authorizing an asylum in the county of Wayne, was read the third time and passed.

On motion of Mr. Ferris,

The title of said bill was so amended as to read thus; "A

bill authorizing asylums in the counties of Wayne and Harrison.

Ordered, That said bill be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

And then the House adjourned till to-morrow morning nine o'clock.

FRIDAY MORNING, DECEMBER 17, 1830.

The House met pursuant to adjournment.

Mr. Elliott, from the joint committee on enrolled bills, reported, that they did, on this day, present to the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act changing part of the state road leading from the town of Newcastle, in Henry county, to Crawfordsville, in Montgomery county: And

An act supplemental to an act for the appropriation of money to aid in building a bridge over Plumb creek.

A message from the Senate by Mr. Morris, their assistant secretary:

Mr. Speaker:

The senate have adopted a joint resolution relative to the Illinois grant in which they have directed me to ask the concurrence of the House of Representatives.

The said joint resolution was then read the first time and passed to a second reading to-morrow.

A message from the Senate by Mr. Morris, their assistant Secretary:

Mr. Speaker:

The Senate have passed engrossed bills of the following titles, to wit:

An act for the relief of Jonathan Legg and Elizabeth Thacker: and

An act to provide for a state road from Terrehaute, in Vigo county, via Carlisle in Sullivan county, to Mount Pleasant in Martin county.

The senate have adopted a joint resolution of the General Assembly on the subject of the Michigan Road, in which bills and joint resolution the concurrence of the House of Representatives is requested.

The said bills and joint resolution were then severally read the first time and passed to a second reading to-morrow.

A communication, in writing, was received from the Governor, by Mr. Heylin his private secretary, as follows:

EXECUTIVE DEPARTMENT,
Indiana, Indianapolis, Dec. 18, 1830. }

HON. ISAAC HOWK, *Speaker*
of the House of Representatives:

SIR—I herewith transmit to you, for the use of the House of Representatives, resolutions of the states of Georgia and Connecticut, relative to an amendment of the Constitution, on the subject of the Presidential election.

Very respectfully, I am, &c.

J. BROWN RAY.

Which was read, and together with the documents therein mentioned, was referred to the committee on the judiciary.

Mr. Stewart presented a petition of sundry citizens of Pike county, praying that the county road leading from Petersburg to Princeton, via Phillips' mill may be declared a state road, and for an appropriation of money thereon;

Which was read and referred to the committee on roads.

Mr. Hall presented a petition of Samuel Judah and others, resident in counties near the Wabash river, praying an act to incorporate an insurance company, to be located at Vincennes, under the title of the "Wabash Insurance Company;"

Which was read and referred to a select committee of Messrs. Hall, Kinney and Reiley.

Mr. Galletely presented a petition of Ephraim Goss, sen'r and others, praying an investigation of the conduct of the commissioners, on the state road from Vincennes to Indianapolis;

Which was read, and referred to the committee on roads.

Mr. Russell presented a petition of sundry citizens of Hendricks and Marion counties, praying a certain alteration in the western boundary line of said last named county;

Which was read and referred to a select committee of Messrs. Russell, Worth and Smiley.

Mr. Galletely presented a petition of sundry citizens of Greene county, praying a change in the mode of doing county business of said county;

Which was read and ordered to lie on the table.

Mr. Russell presented a petition of Isaac N. Phipps and others, praying that the provisions of an act approved January 20, 1826, entitled "an act for the relief of the purchasers of lots in the town of Indianapolis" may be extended to the purchasers of out-lots adjoining said town;

Which was read, and referred to the committee on the affairs of the town of Indianapolis.

Mr. Soper presented a petition of the widow and heirs of Caleb Shillideau, dec. praying an act to authorise them to sell certain lands of said decedent;

Which was read and referred to a select committee of Messrs. Soper, Wallace of J. and Lowry.

Mr. Hall from the judiciary committee to which was referred the petition of David Branson and others, for a new county, reported,

That they have had the same under consideration, and recommend the adoption of the following resolution:

Resolved, That the same be referred to a select committee of three members.

Which report and resolution were read and ordered to lie on the table.

Mr. Pollock from the committee on roads to which was referred the bill to open a state road from Raccoon ford, in Park county, to Lafayette, in Tippecanoe county, (being No. 11, in the report of the committee on unfinished business) reported that they have had the same under consideration and are of opinion that it is inexpedient to legislate on that subject at this time, and recommend that the further consideration of said bill be indefinitely postponed;

Which was read and concurred in by the house.

Mr. Gardner from the committee on roads to which was referred the petition of John White and others, reported,

A bill for the relocation of a state road therein named, which was read the first time and passed to a second reading.

Mr. Craig from the select committee to which a resolution on that subject was referred, reported

A bill to encourage the manufacture of salt in Switzerland county;

Which was read the first time and passed to a second reading.

Mr. Logan from the select committee to which a resolution on that subject was referred, reported

A bill for the further improvement of Mauk's ferry road;
Which was read the first time and passed to a second reading.

On motion of Mr. Ferris,

The communication of the secretary of state relative to an enumeration of the white male inhabitants above the age of twenty-one years, in this state, was taken up, and referred to a select committee of Messrs. Ferris, Beiley, Stewart, Owens, Hendricks, McNary, Holman, Bell, Boon and Dumont.

On motion of Mr. Hoover,

Resolved, That the agent of state, for the town of Indianapolis, be requested to report to this house the quantity of unsold lands without the town plat of Indianapolis, accompanied with a diagram shewing the quantity sold and the quantity owned by the state.

Mr. Hankins moved the following resolution:

Resolved, That the judiciary committee be directed to enquire into the propriety of authorising three terms of the circuit court, in each county.

Mr. Hall moved to amend the same so as to instruct said committee to report a bill to that effect; and

Before the question was put on said motion,

Mr. Boon moved to postpone indefinitely the further consideration of said resolution and proposed amendment, when

Mr. Logan moved to lay the same on the table;

Which motion was decided in the negative.

The question then recurring on the motion of Mr. Boon to postpone indefinitely the further consideration thereof,

And the ayes and noes being required thereon, by two members,

Those who voted in the affirmative, are,

Messrs. Beard, Bell, Bence, Bentley, Boon, Bussell, Craig, Decker, Dowden, Galletely, Gardner, Hall, Hamilton, Hendricks, Kinney, Levenworth, Logan, Lowry, Lynd, McNary, Owens, Paddacks, Parks, Pitcher, Pollock, Reiley, Roe, Russell, Schoonover, Semans, Skeen, Smiley, Soper, Stewart, Work, Worth and Zenor—37.

And those who voted in the negative, are,

Messrs. Armstrong, Casey, Claypool, Coffin, Crame, Dumont, Ferris, Finley, Hankins, Herod, Hillis, Hoover, Lang, Reid, of F., Wallace of F., Wallace of J., Wright and Hawk, speaker—18.

And so said motion was carried in the affirmative.

On motion of Mr. Hamilton,

Resolved, That a select committee be appointed to enquire into the expediency of appropriating a portion of the three per cent. fund for the purpose of opening and repairing the state road from the lower falls on the east fork of White river, in Jackson county, to intersect the Jeffersonville state road, west of Silver creek, in Clark county, with leave to report by bill or otherwise.

Ordered, That Messrs. Hamilton, Lowry and Work be that committee.

Mr. Bently moved the following resolution:

Resolved, That the judiciary committee be instructed to enquire into the expediency of allowing witnesses additional fees for attending as such on the different courts in this state.

And on the question to adopt said resolution,

It was decided in the negative.

Mr. Russell moved the following resolution:

Resolved, That the committee of revision be instructed to enquire into the expediency of so changing the law now in force with regard to the exemption of certain property from execution, as to exempt one horse not to exceed twenty-five dollars in value over and above the amount now exempt from execution.

Mr. Boon moved to lay said resolution on the table;

Which motion was carried in the affirmative.

Mr. Russell, after having obtained leave, presented a bill to amend an act entitled an act regulating the fees of the several officers and persons therein named, approved Jan. 30, 1824.

Which was read the first and second times (the rules of the house having first been dispensed with) and committed to a committee of the whole house for to-morrow.

And then the House adjourned till nine o'clock to-morrow morning.

SATURDAY MORNING, DECEMBER 18, 1830.

The House met pursuant to adjournment.

The following communication, in writing, was received from the Governor, by Mr. Heylin his private secretary, viz:

“EXECUTIVE DEPARTMENT,”
December 18, 1830.

HON. SPEAKER OF THE
House of Representatives:

SIR,—The enclosed circular will be interesting to a committee enquiring into the expediency of providing for the public property a fire engine. The low price being \$250, at which an engine may be obtained, which will discharge one hundred gallons of water per minute, 60 feet high, 90 distant, worked by eight men; when compared with the risk of the property it might save from destruction, admits of but little diversity of opinion, as to the propriety of making the purchase of *one* of the various kinds in the list submitted.

Respectfully,
Your obedient Servant,
J. BROWN RAY.”

Which, together with the accompanying document, was read and referred to the committee on the affairs of the town of Indianapolis.

The Speaker laid before the House a communication from the secretary of state, relative to the enumeration of white male inhabitants above the age of twenty-one years, in the counties of Decatur and Monroe;

Which was read and ordered to lie on the table.

Mr. Long presented sundry petitions of the citizens of Rush and Hancock counties, for a state road from the Indianapolis state road at the crossing of Hodges' creek, in Rush county, to intersect the Cumberland road on the east bank of Brandywine, near Greenfield in Hancock county;

Which were read and referred to a select committee of Messrs. Long, Bussell and Bell.

Mr. Pollock presented a petition of Jonathan Woodbury, praying articles of impeachment against the following officers, of Dearborn county, to wit: John Spencer, Sheriff; James Dill, Clerk; James W. Hunter and Thomas Palmer, justices of the peace; and George H. Dunn, Probate Judge;

Which was read and referred to the committee on the judiciary.

Mr. Herod presented a petition of sundry citizens of Bartholomew county, praying certain improvements on the Mauk's ferry road, and a relocation of part of the same;

Which was read and referred to the committee on roads.

Mr. Work, from the committee of ways and means, to which was referred a resolution of this House directing them to enquire into the expediency of releasing all persons from assessment and payment of a poll tax, who are not entitled to a vote in this state, until such disqualification be removed, reported, that they have had the same under consideration, and are of opinion that it is inexpedient to legislate on that subject at this time;

Which was read and concurred in.

Mr. Herod, from the committee on the judiciary, to which was referred a resolution upon the subject of preventing the migration of free negroes to this state, reported a bill respecting free negroes, mulattoes, servants and slaves;

Which was read the first time, and passed to a second reading.

Mr. Russell, from the committee on the affairs of the town of Indianapolis, to which was referred the petition of Isaac N. Phipps and others, for relief, reported a bill for the relief of purchasers of out lots adjoining the town of Indianapolis;

Which was read the first time, and passed to a second reading.

Mr. Pollock, from the committee on roads, to which was referred a bill for the improvement of the road leading from Versailles, in Ripley county, to Brookville, in Franklin county—a bill to appropriate a part of the three per cent. fund to aid in constructing a bridge across the east fork of White Water river, at Brookville—a bill making a certain appropriation therein named—and a bill to improve the state road from Cynthiana to the mouth of Kentucky, numbered respectively, 4, 6, 7 and 16 in the report of the committee on the unfinished business of the last session, reported, that they have had them severally under consideration, and are of opinion that it is inexpedient to legislate on those several subjects at this time; and do, therefore, recommend the indefinite postponement of the further consideration of said bills;

Which report was read, and together with the bills therein named, ordered to lie on the table.

Mr. Armstrong, from the select committee, to which was referred the petition of James Leonard and Abigail, his wife, reported a bill to dissolve the bands of matrimony between Daniel Bilderback and Abigail, his wife;

Which was read the first time and passed to a second reading.

Mr. Reiley, from the select committee, to which was referred the petition of Samuel Smith and others, reported a bill to incorporate the Wabash insurance company;

Which was read the first time, and passed to a second reading.

Mr. Ferris made the following report:

"The select committee, to which was referred the report of the secretary of state, accompanied with a list of the free white male inhabitants of each county, twenty-one years old and upwards, have had the same under consideration, and have directed me to report,

That, owing to a failure on the part of the clerks of the counties of Clay, Cass, Dearborn, Decatur, Dubois, Madison, Monroe, Knox, Pike, Sullivan, Switzerland and Vanderburgh, to make the proper returns in due time according to law, the secretary of state was unable to give the aggregate amount of polls in said counties, but from returns since received, and from other sources of information, they have satisfactorily ascertained that the aggregate amount of the polls in the county of Clay is 384, Cass, 351, Dearborn, 2742, Decatur, 1090, Dubois, 306, Knox, 1450, Madison, 501, Monroe, 1200, Pike, 449, Sullivan, 925, Switzerland, 1292, and Vanderburgh, 460, and recommend that they be so carried out on the list furnished by the secretary of state; it also appears from the certificate of the clerk from Jennings county, that there are forty-five more in said county than appears on the secretary's list, which ought in like manner to be added, making the aggregate of Jennings 750;"

Which was read and concurred in.

Ordered, That 500 copies of said report of the secretary of state thus completed, be printed,

The Speaker laid before the House the following report of the Commissioners of the Wabash and Erie Canal, which was read and referred to the committee on canals and internal improvements, viz:

[See *Appendix C.*]

Ordered, That one thousand copies of said report be printed.

Mr. Ferris from the committee of revision reported a bill establishing a county treasurer;

Which was read the first time and passed to a second reading.

Mr. Worth, from the joint committee on enrolled bills, reported,

That they have compared the enrolled with the engrossed bill, entitled,

An act for the relief of John J. Lewis, late collector of Shelby county;

And find the same truly enrolled.

On motion of Mr. Coffin,

Resolved, That the committee of revision be instructed to inquire into the expediency of so amending the revenue law as to require each person, when giving in a list of his taxable property, to give at the same time, the number of each town lot and each tract of land he may own, and that it be made the duty of the lister to list each lot or tract of land so given in the said person's name with his other taxable property.

On motion of Mr. Hoover,

Resolved, That the committee on canals and internal improvements be instructed to inquire into the expediency of changing the grant of land for the construction of the Wabash and Erie canal, so as to construct a rail-road from Lafayette on the Wabash river, on the best route, thence to Lake Michigan, or by the way of Fort Wayne to Lake Erie; and also take into view the advantages of such rail-road over such canal; and should such committee be of opinion, that such rail-road would be more beneficial and of lasting advantage to the state of Indiana, to produce to this House a memorial to the Congress of the United States, in order to effect such a change in its application.

On motion of Mr. Russell,

Resolved, That the committee of ways and means be instructed to inquire into the expediency of so changing the law now in force, with regard to the collection of tax as to make it obligatory on the collector in advertising any property for the payment of such tax to set out a full description of the property belonging to non-residents.

Mr. Semans moved the following resolution.

Resolved, That the committee of revision be instructed so to amend the probate law, that no widow shall be entitled to receive more than fifty dollars for which she is not bound to account, when such estate may be insolvent.

And the question being put on the adoption of the same, it was decided in the negative.

And then the House adjourned till 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Hoover,

Resolved, That this House will proceed to the election of United States' Senator, instantler, and that the Senate be informed thereof, and that seats will be provided for them on the right of the Speaker's chair, and that be appointed teller on the part of this House.

Whereupon,

Mr. Casey was appointed such Teller.

Ordered, That the clerk inform the Senate.

The Speaker laid before the House a communication from the Secretary of State, relative to the enumeration of inhabitants in Clay county;

Which was read and ordered to lie on the table.

A message from the Senate by Mr. Morris, their assistant secretary:

Mr. Speaker:

The Senate has adopted the following resolution:

Resolved, That the Senate reciprocate the resolution of the House of Representatives on the subject of proceeding to the election of a Senator of the United States, and that Mr. Depauw is appointed teller on the part of the Senate.

The Senate then came down from their Chamber, and took their seats on the right of the Speaker's chair, the President of the Senate on the right of the Speaker.

The two Houses then proceeded by joint ballot to elect a Senator, to serve as such in the Congress of the United States, for the term of six years from and after the third day of March next, to succeed the Hon. William Hendricks, whose term of service will then expire.

And on counting the first ballot, it appeared that

William Hendricks received	31	votes for that office,
Ratliff Boon,	26	
John Law,	12	
Charles Dewey,	9	
Scattering,	4	

Neither of whom having received a majority of the whole number of votes given;

The two Houses proceeded to a second ballot, and

On counting the second ballot, it appeared that

William Hendricks received	34	votes for that office.
Ratliff Boon,	28	
John Law,	11	
Charles Dewey,	7	
Scattering,	2	

Neither of whom having received a majority of the whole number of votes given,

The two Houses proceeded to a third ballot, and,

On counting the third ballot, it appeared that

William Hendricks received	40	votes for that office.
Ratliff Boon,	24	
John Law	13	
Charles Dewey,	3	
Scattering,	2	

Neither of whom having received a majority of the whole number of votes given,

The two Houses proceeded to a fourth ballot, and

On counting the fourth ballot, it appeared that

William Hendricks received	44	votes for that office.
Ratliff Boon,	26	
John Law,	9	
Charles Dewey,	3	

William Hendricks having received a majority of all the votes given, was, by the President of the Senate, in presence of both Houses of the General Assembly, declared duly elected a Senator of the United States, for the State of Indiana, to serve as such in the Congress of the United States, for the term of six years from and after the third day of March next.

The Senate then retired to their chamber.

And then the House adjourned till Monday morning nine o'clock.

MONDAY MORNING, DECEMBER 20, 1830.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from the trustee of the Fountain county seminary fund, relative to said fund;

Which was read and referred to the committee on education.

Mr. Long presented a petition of William Williams and others, praying a repeal of the "act regulating medical societies;"

Mr. Finley presented a petition of Jonathan Kidwell and others, praying the repeal of the same act;

Which were severally read and ordered to lie on the table.

Mr. Hall presented a petition and accompanying vouchers of John Rogers, an invalid soldier of the late war, praying a memorial to Congress in his behalf;

Which were read and referred to a select committee of Messrs. Hall, Decker and Stewart.

Mr. Crume presented a petition of Gabriel Ginn, collector of the revenue for Fayette county, praying relief;

Which was read and referred to the committee of ways and means.

Mr. Stewart presented two several petitions of sundry citizens of Dubois, Pike and Orange counties, praying an appropriation from the three per cent. fund, upon the state road from Paoli to Petersburg;

Which were severally read and referred to the committee on roads.

Mr. Galletely presented a remonstrance of sundry citizens of Green county, against a change in the present mode of doing their county business;

Which was read and ordered to lie on the table.

Mr. Stewart presented a petition of James Kinman and others, praying a change in part of the state road leading from Petersburg to Washington;

Which was read and referred to a select committee of Messrs. Stewart, Read of D. and M. and Lynd.

Mr. Galletely presented a petition of sundry citizens of Greene county, praying a relocation of the state road leading from Bono to Terre-Haute, with accompanying documents;

Which were read, and referred to the committee on roads.

Mr. Hall from the select committee to which was referred the petition of John Rogers, reported a joint resolution for the benefit of John Rogers;

Which was read the first time and passed to a second reading.

Mr. Russell, from the select committee to which the petition of James Harman and others on that subject was referred, reported a bill to alter a part of the county line dividing the counties of Marion and Hendricks;

Which was read the first time and passed to a second reading.

Mr. Bence, from the select committee to which was referred the petition of sundry citizens of Floyd county on that subject, reported a bill to provide for semi-annual fairs, in the several counties in the state of Indiana;

Which was read the first time and passed to a second reading.

Mr. Herod, from the committee of revision, reported a bill organizing the Supreme Court and defining its powers and duties;

Which was read the first and second times, (the rules of the House having first been dispensed with) and committed to a committee of the whole House for to-morrow.

On motion of Mr. Russell,

Resolved, That the committee of revision be instructed to enquire into the expediency of so changing the law now in force, relative to the collection of debts before a justice of the peace, that suit shall be commenced in the township where the defendant resides, with leave to report by bill or otherwise.

On motion of Mr. Casey,

Resolved, That the committee on roads be instructed to enquire into the expediency of appropriating a portion of the three per cent. fund on the mail stage rout, leading from Princeton in Gibson county to Mount Vernon in Posey county, to be appropriated on that part of said road which lies between Cynthiana and Mount Vernon.

On motion of Mr. Dumont,

Resolved, That the secretary of state be requested to lay before this House the files of the reports of the last year, made to him by the Superintendant of the State Prison; and that his Excellency the Governor be requested to furnish this House with a statement of the existing contract respecting the state prison; also with all information he may have obtained within a year, through the medium of visiters or otherwise, respecting the condition of the prisoners.

Mr. Dumont moved the following resolution:

Resolved, That the revising committee, on the part of this House be instructed to incorporate in the laws authorizing foreign and domestic attachments, such provisions as will warrant the issuing those writs for torts and unliquidated damages; which was read, and

On motion of Mr. Wallace of F.,

The said resolution was ordered to lie on the table.

Mr. Roe moved the following resolution:

Resolved, That the committee of revision be instructed so to amend the law now in force, as to allow jurors attending the several courts in this state, seventy-five cents per day; which was read, and

On motion of Mr. Wallace of J.,

Was ordered to lie on the table.

Mr. Levenworth moved the following resolution:

Resolved, That the revising committee be instructed to enquire into the expediency of so amending the law, that in all actions of replevin it shall be the duty of the jury, if they find for the defendant to assess his damages, and the court to render judgment therefor; and if the court on demurrer render judgment for the defendant in such action, it shall be their duty to order a writ of enquiry, to ascertain the damages and render judgment therefor, and that the committee be instructed to report their opinion to this House;

Which was read, and

On motion of Mr. Kinney,

Was ordered to lie on the table.

Mr. Hoover moved the following resolution:

Resolved, That the committee on the affairs of the town of Indianapolis be instructed to enquire into the expediency of furnishing a sufficient part of the Governor's house for his accommodation; and that the balance be assigned for offices for the Secretary of State, and Auditor of Public Accounts;

Which was read, when

Mr. Hillis moved to lay the same on the table;

Which motion was carried in the affirmative.

Mr. Hall moved the following resolution:

Resolved, That the committee of revision be instructed to amend the act concerning foreign attachments, so as to give justices of the peace jurisdiction to any amount not exceeding twenty dollars.

Mr. Wallace of J. moved to amend said resolution, by striking out therefrom the word "twenty," and inserting in lieu thereof the word "fifty;"

Which motion was carried in the affirmative.

Mr. Wallace of F. then moved to lay said resolution on the table;

Which motion was decided in the negative.

The question then recurring upon the adoption of the resolution, as amended, it was carried in the affirmative.

Mr. Bussell moved the following resolution:

Resolved, That the judiciary committee be instructed to enquire into the expediency of so amending the law, making it the duty of the board doing county business to select the jury at their May term, as to make it the duty of the sheriff to summon the jury when the court require their services, with the exception of the grand jury, and report the same to this House.

Mr. Long moved to lay said resolution on the table;

Which motion was decided in the negative.

The question then recurring on the adoption of said resolution, the same was decided in the negative.

A message from the Senate by Mr. Morris, their assistant secretary:

Mr. Speaker:

The Senate have adopted joint resolutions of the following titles, to wit:

"A joint resolution of the General Assembly of the state of Indiana relative to the Indians and Indian lands within the state; and

"A joint resolution relative to purchasers of public lands;"

In which joint resolutions I am directed to ask the concurrence of the House of Representatives.

The said joint resolution first in said message named, was then read the first time and passed to a second reading, and

The said joint resolution, lastly in said message named, was read the first and second times (the rules of the House having first been dispensed with) and ordered to be read a third time to-morrow.

Mr. Reiley moved the following resolution:

Resolved, That the committee of revision be instructed so to amend the act concerning the jurisdiction of justices of the peace as to extend their jurisdiction in actions of trespass, trover and replevin to fifty dollars, and in actions of covenant to one hundred dollars.

Mr. Herod moved to amend said resolution, by striking out the words "committee of revision," and inserting in lieu thereof, the words "committee on the judiciary;"

Which motion was carried in the affirmative;

Mr. Hall moved to reconsider the vote on said motion to amend;

Which was decided in the negative.

The question then recurring on the adoption of the resolution as amended it was carried in the affirmative.

On motion of Mr. Hillis,

The resolution on the subject of a general distribution of the three per cent. fund, laid on the table, on the 13th inst. was taken up, when

Mr. Dumont withdrew the amendment proposed by him, when said resolution was last under consideration.

Mr. Beard then moved to amend said resolution, by adding at the end thereof, these words, "taking into consideration appropriations heretofore made;"

Which motion was decided in the negative.

Mr. Kinney moved to amend said resolution, so as to direct said committee to enquire into the expediency of the measure therein proposed, instead of directing them to report a bill;

Which motion was decided in the negative.

Mr. Wallace of F., then moved to amend said resolution, by striking out the words "committee on roads be instructed," and inserting in lieu thereof, the words "a select committee be appointed with instructions;"

Which motion was carried in the affirmative.

The said resolution as amended, was then adopted.

Ordered, That Messrs. Hillis, Wallace, of F., Elliot, Roe, Reiley, Holman, Beard, Pitcher, Paddacks and Hall, be said committee.

And then the House adjourned till two o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Dumont,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of instituting called sessions of the circuit court for the trial of prisoners who are unable to give security, with leave to report by bill or otherwise.

Mr. Wright moved the following resolution:

Resolved, That the committee of revision be instructed to enquire into the expediency of amending the act regulating the jurisdiction and duties of justices of the peace, so that persons confessing judgment for a sum not exceeding fifty dollars, shall not be required to make the oath or affirmation required by said act; and on judgments so confessed there shall be no stay of execution, unless bail is entered as in other cases.

Mr. Crume moved to amend said resolution by striking out therefrom the words "of revision" and inserting in lieu thereof the words "on the judiciary."

Which motion was carried in the affirmative.

The question then recurring, on the adoption of the resolution, as amended,

It was decided in the negative.

Mr. Boon moved the following resolution:

Resolved, That the committee of revision be, and they are hereby instructed to amend the third section of an act, entitled an act regulating the jurisdiction and duties of justices of the peace, approved Jan. 22, 1827, so as to make it the duty of constables to file the transcript, and all the papers on appeals taken from justices of the peace to the circuit court, in the clerk's office; and to allow the constable a reasonable compensation therefor.

Mr. Bentley moved to amend said resolution, by striking out the same, after the word "resolved," and inserting in lieu thereof these words "that the judiciary committee be instructed to enquire into the expediency of repealing the law requiring justices of the peace to carry appeal papers from their dockets to the clerk's office of the several circuit courts in their respective counties, or provide a compensation to the justices of the peace for their services."

Which motion was carried in the affirmative.

The said resolution, as amended, was then adopted by the house.

Mr. Beard moved the following resolution:

Resolved, That the committee on roads be instructed to enquire into the expediency of so amending the fifth section of an act entitled an act for opening and repairing public roads and highways, as to give to boards doing county business a discretion as to defraying damages out of the county treasury assessed in favor of those aggrieved by the location of roads through their lands; and if the boards aforesaid should not think proper to defray such damages, and the petitioners will defray the same, the road shall be opened and considered a public highway.

And on the question to adopt said resolution,

It was decided in the negative.

Mr. Kinney moved the following resolution:

Resolved, That the committee on roads be instructed to report a bill to extend the width of all state roads to fifty feet.

And the question being put on the adoption of the same,

It was decided in the negative.

Mr. Roe moved the following resolution:

Resolved, That the treasurer of state be required to report to this house the amount of military fines arising from persons conscientiously scrupulous of bearing arms, the amount on hand and the amount yet due, together with the names of the

officers who have become defaulters, whose duty it is by law to collect the same:

Which was read; and

On motion of Mr. Finley,

Was ordered to lie on the table.

On motion of Mr. Boon,

The resolution on the subject of jurors fees, laid on the table this morning, was taken up.

Mr. Herod moved to amend said resolution by striking out the words "committee of revision" and inserting in lieu thereof these words "judiciary committee."

Which motion was decided in the negative: And

The question then recurring on the adoption of said resolution,

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Beard, Bell, Bence, Bentley, Boon, Bussell, Casey, Claypool, Craig, Crume, Decker, Dumont, Galletely, Gardner, Hamilton, Hankins, Hendricks, Hoover, Kinney, Long, Lynd, Paddacks, Reid of F., Roe, Russell, Work, Wright, Zenor and Howk, speaker—29.

And those who voted in the negative are,

Messrs. Coffin, Dowden, Elliott, Ferris, Finley, Hall, Herod, Hillis, Holman, Levenworth, Logan, Lowry, M'Nary, M'Pheeters, Owens, Parks, Pitcher, Read of D. and M., Schoonover, Semans, Skeen, Smiley, Soper, Wallace of F., Wallace of J. and Worth—26.

And so said resolution was adopted.

The speaker laid before the house a communication of the secretary of state, covering sundry returns from the superintendent of the state's prison, within the past year;

Which was read and referred to the committee on the affairs of the state prison.

The House then proceeded to consider the orders of the day.

The bill authorising Matthew Flinn to convey certain lots in the town of Leesville,

The bill for the relief of Joseph Prior, security of John Parks, collector of Decatur county,

The bill for the relief of James Faris, trustee of the county seminary of Dubois county,

The bill for the relief of Samuel Hanna,

The bill relative to the county surveyor of the county of Allen,

The bill for the relief of the purchasers of out lots adjoining the town of Indianapolis,

The bill to incorporate the Wabash Insurance company; and

The bill establishing a county treasurer,

Were severally read the second time and ordered to be engrossed and read a third time to-morrow.

The bill for the location, opening and improving certain state roads therein named, and for other purposes,

Was read a second time and committed to the same committee of the whole house to which are committed sundry bills making appropriations out of the three per cent. fund.

The engrossed joint resolution of the general assembly, from the senate, on the subject of the Michigan road,

The engrossed bill, from the senate, for the relief of Jonathan Legg and Elizabeth Thacker,

The engrossed joint resolution, from the senate, relative to the Illinois grant; and

The engrossed bill, from the senate, to provide for a state road from Terre Haute, in Vigo county, by the way of Carlisle, in Sullivan county, to Mount Pleasant, in Martin county,

Were severally read the second time and passed to a third reading on to-morrow.

The bill for the relocation of a state road therein named,

Was read a second time and ordered to lie on the table.

A bill to encourage the manufacture of salt in Switzerland county;

Was read the second time and committed to a committee of the whole house for to-morrow.

The bill for the further improvement of a part of the Mauk's ferry state road,

Was read a second time and ordered to lie on the table.

The bill respecting free negroes and mulattoes, servants and slaves,

Was read the second time, and ordered to be recommitted to the committee on the judiciary.

The bill to dissolve the bands of matrimony between Daniel Bilderback and Abigail, his wife;

Was read the second times and committed to a committee of the whole house for to-morrow.

The engrossed bill to amend an act entitled an act for the relief of the infant heirs of Wesley Harrison, deceased, approved, Dec. 18, 1818,

The engrossed bill compensating George Pea, for extra causewaying on the state road from Brookville to Indianapolis, and

The engrossed bill to prevent the destruction of timber on the state canal lands,

Were severally read the third time and passed.

Ordered, That the said bills be entitled "acts," and that the clerk carry them to the senate and ask their concurrence.

On motion of Mr. Wallace of F.,

The committee of the whole house to which were committed the bill for the appropriation of money to aid in building a bridge over the big fork of Walnut, and to improve the navigation of Eel river, and sundry other bills making appropriations out of the three per cent. fund, was discharged from the further consideration thereof: When

Mr. Long moved that said bills be recommitted to a select committee; and

Before the question was put on said motion,

Mr. Wallace of F. moved to lay said bills on the table.

Which motion was carried in the affirmative.

The house then resolved itself into a committee of the whole on the joint resolution of the state of Indiana, on the subject of a turnpike road from Lawrenceburgh, on the Ohio river, to the southern bend of the St. Joseph river, and after some time spent therein, the speaker resumed the chair and Mr. Heydricks reported said joint resolution without amendment.

The said joint resolution was then ordered to be engrossed and read a third time to-morrow.

The house then resolved itself into a committee of the whole on the bill to repeal part of the 4th section of the act regulating the practice of medicine, and after some time spent therein, the speaker resumed the chair and Mr. Wallace of J. reported the same without amendment.

Said bill was then ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Read of D. and M.,

The committee of the whole to which was committed the bill amendatory of the several acts regulating taverns, was discharged from the further consideration thereof.

Mr. Hall moved to amend said bill by inserting the word

“knowingly” before the word “suffer.”

Which motion was carried in the affirmative.

Mr. Herod then moved to postpone, indefinitely, the further consideration of said bill;

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Bence, Bentley, Bussell, Claypool, Craig, Crume, Decker, Dowden, Elliott, Ferris, Finley, Galletely, Gardner, Hall, Hamilton, Hankins, Hendricks, Herod, Hillis, Kinney, Logan, Long, Lowry, Lynd, M’Nary, M’Pheeters, Owens, Pad-dacks, Parks, Pitcher, Reiley, Roe, Russell, Schoonover, Skeen, Smiley, Soper, Stewart, Wallace of J., Work, Wright and Howk, speaker—42.

And those who voted in the negative are,

Messrs. Beard, Bell, Casey, Coffin, Dumont, Holman, Hoover, Levenworth, Read of D. and M., Reid of F., Semans, Wallace of F., Worth and Zenor—14.

And so the further consideration of said bill was indefinitely postponed.

On motion of Mr. Hall,

The committee of the whole to which was committed the bill to amend the act, entitled an act regulating the fees of the several officers and persons therein named, approved Jan. 30, 1824, was discharged from the further consideration thereof, when,

Mr. Hoover moved that the further consideration of said bill be indefinitely postponed;

Which motion was carried in the affirmative.

A message from the Governor, by Mr. Heylin his private secretary.

Mr. Speaker,

I am directed by the Governor to inform the house of representatives, that he did, on this day, approve and sign the following acts, to wit:

An act changing part of the state road leading from the town of Newcastle, in Henry county, to Crawfordsville, in Montgomery county.—Also—An act for the appropriation of money to aid in building a bridge over Plumb creek: Which acts are filed in the office of the secretary of state.

On motion of Mr. Dumont,

The resolution moved by him, directing the committee of re-

vision to incorporate such provisions in the laws authorising domestic and foreign attachments, as will warrant the the issuing those writs for torts and unliquidated damages, laid on the table to-dry, was taken up, and on the question to adopt the same, It was decided in the negative.

Mr. Elliott from the joint committee on enrolled bills, reported that they had on this day presented to the Governor for his approval and signature, the following enrolled bill, entitled an act, to wit:

An act for the relief of John J. Lewis, late collector of Shelby county.

And then the House adjourned till nine o'clock to-morrow morning.

TUESDAY MORNING, DECEMBER 21, 1830.

The House met pursuant to adjournment.

Mr. Crume, from the committee of ways and means to which was referred the petition of Gabriel Ginn, reported,

A bill for the relief of Gabriel Ginn, collector of Fayette county;

Which was read the first time and passed to a second reading.

Mr. Russell, from the committee on the affairs of the town of Indianapolis, to which was referred a resolution on that subject, reported,

A bill to provide for the building of a state house;

Which was read the first time, and passed to a second reading.

The following communication, in writing, was received from the Governor, by Mr. Heylin his private secretary, viz:

EXECUTIVE DEPARTMENT,
Ind. Inds. Dec'r. 21, 1830. }

HON. ISAAC HOWE, *Speaker*
of the House of Representatives:

SIR,—In answer to the resolution of the House of Representatives of yesterday, I have to remark, that that part of the resolution which required the secretary of state to lay before the House of Representatives the files of the reports of the last

year, made to him by the superintendant of the state prison, was referred to him. To so much of the same as requires the Governor to furnish the House with a *statement* of the existing contract respecting the state prison, he considers he cannot better reply, than by furnishing it with a correct copy of the contract itself; which is herewith submitted. It may be added, in reply to another part of the resolution, that the Executive has not been put in possession of any information within the last year, to be relied upon, respecting the state prison, impeaching its agent of bad management; nor is he aware that its "*condition*" has become the subject of suspicion by any improper conduct, negligence, or violation of the laws. The Governor not being required by any law to appoint a board of visitors yearly, to examine into the affairs of the prison, has considered it unnecessary to subject the state to that expense, without some evidence that there was a call for it. Besides this, the penitentiary is farmed out for a definite sum, and the state has nothing to gain or lose, in a pecuniary point of view, by frequent examinations. If the law has been violated, provided for the government of the prison, it will only remain for some one to make the same manifest, and the proper correction will forthwith be applied.

I am, sir, very respectfully,

Your most obedient servant,

J. BROWN RAY."

Which was read, and together with the documents therein mentioned, was referred to the committee on the affairs of the state prison.

A message from the Senate by Mr. Morris, their assistant Secretary:

Mr. Speaker:

The Senate has passed an engrossed bill, originating in the House of Representatives, entitled

An act to incorporate the Levenworth Seminary Society, without amendment.

Also, bills entitled acts, as follows, viz:

An act in addition to an act entitled an act to authorise the sale of a site for a steam mill, at Indianapolis, approved January 26, 1827.

An act to authorise Jacob Bales to toll build a bridge across Salt creek in Monroe county.

The Senate has also passed a memorial addressed to Congress, praying the continuation of the construction of the Cumberland Road; and,

A joint resolution of the General Assembly, directing the Secretary of State to deliver certain documents to "Indiana College," and the Historical Society; in which acts, memorial and joint resolution, the concurrence of the House of Representatives is requested.

The said bills, secondly and thirdly, in said message named, and the said memorial and joint resolution, were then severally read the first time, and passed to a second reading.

Mr. Wallace of J., from the select committee, to which was referred a bill "to attach part of the county of Clark, to the county of Floyd," reported to this House by the committee on unfinished business, reported the same without alteration or amendment.

The said bill was then read the first time and passed to a second reading to-morrow.

Mr. Ferris, from the committee of revision, reported

A bill regulating the taking up of animals, going estray and water-craft, and other articles of value, adrift;

Which was read the first and second times (the rules of the House having first been dispensed with) and committed to a committee of the whole House for to-morrow.

Mr. Wallace of F., from the committee of revision, reported,
A bill regulating divorces;

A bill authorizing domestic attachments and regulating the proceedings therein; and

A bill relative to foreign attachments;

Which were severally read the first and second times, (the rules of the House having first been dispensed with,) and committed to a committee of the whole House for to-morrow.

Mr. Bussell from the select committee, to which was referred a resolution on the subject of prohibiting attornies from acting as deputy clerks in counties where they practice, reported,

A bill amendatory of the act entitled "An act concerning clerks," approved January 31, 1824;

Which was read the first time and passed to a second reading.

On motion of Mr. Hankins,

Resolved, That it shall be the duty of the clerk, in reading bills that are reported by the committee of revision to inform the House of each section that has marginal notes indicating that such section or part of section is an amendment;

On motion of Mr. Galletely,

Resolved, That the committee on canals and internal improvements, be directed to inquire into the expediency of memorializing Congress to employ one or more snag-boats on the Wabash and White rivers (similar to those on the Ohio and Mississippi) for the purpose of removing obstructions.

On motion of Mr. M'Nary,

Resolved, That the committee on education be instructed to enquire into the expediency of allowing all orphan children admittance into the Bloomington College free of tuition fees.

The House then proceeded to consider the orders of the day:

The engrossed joint resolution of the General Assembly of the state of Indiana, from the Senate, relative to Indians and Indian lands within the state, was read the second time:

Mr. Ferris moved to amend the same, by inserting after the word "country," in the sixth line from the beginning, these words, "which from general report they are anxious to sell;"

Which motion was carried in the affirmative.

Mr. Dumont moved that said joint resolution be committed to a committee of the whole House for to-morrow;

Which motion was decided in the negative.

The said amendment was then ordered to be engrossed, and the joint resolution read a third time to-morrow.

The joint resolution for the benefit of John Rogers; and

The bill to alter a part of the county line dividing the counties of Marion and Hendricks, were severally read the second time and ordered to be engrossed for a third reading to-morrow.

And then the House adjourned till two o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The bill to provide for semi-annual fairs, in the several counties in the state of Indiana, was read the second time and committed to a committee of the whole House for to-morrow.

The engrossed joint resolution of the General Assembly, from the Senate, on the subject of the Michigan road,

The engrossed joint resolution, from the Senate, relative to the Illinois grant,

The engrossed bill, from the Senate, to provide for a state road from Terre-Haute in Vigo county, by the way of Carlisle

in Sullivan county, to Mount Pleasant in Martin county, were severally read the third time and passed.

Ordered, That the clerk inform the Senate.

The engrossed bill for the relief of Joseph Prior, security of John Parks collector of Decatur county,

The engrossed bill authorizing Matthew Flinn to convey certain lots in the town of Leesville,

The engrossed bill relative to the county surveyor of the county of Allen,

The engrossed bill to repeal part of the fourth section of the "act regulating medical societies," approved January 30, 1830,

The engrossed bill for the relief of Samuel Hanna,

The engrossed bill for the relief of purchasers of out-lots adjoining the town of Indianapolis,

The engrossed joint resolution of the General Assembly for a turnpike road from Lawrenceburgh, on the Ohio, to the southern bend of the St. Joseph river,

The engrossed bill for the relief of James Faris, trustee of the county Seminary of Dubois county, and

The engrossed bill establishing a county treasurer, were severally read the third time and passed.

Ordered, That the said engrossed bills be entitled acts, and that the clerk carry them, together with said engrossed joint resolution, to the Senate, and ask their concurrence.

The engrossed joint resolution, from the Senate, relative to the purchasers of the public lands, was read the third time, and amended by consent; which amendment was considered as engrossed, and said joint resolution passed.

Ordered, That that the clerk inform the Senate and ask their concurrence in said amendment.

The engrossed bill, from the Senate, for the relief of Jonathan Legg and Elizabeth Thacker was read the third time, and amended by consent, which amendment was considered as engrossed, and said bill passed.

Ordered, That the clerk inform the Senate and ask their concurrence in said amendment.

On motion of Mr. Boon,

The vote taken this day, on the passage of the engrossed bill from the Senate, to provide for a state road from Terre-Haute in Vigo county, by the way of Carlisle in Sullivan county, to Mount Pleasant in Martin county, was reconsidered; when

Mr. Kinney moved that said engrossed bill be referred to a select committee;

Which motion was carried in the affirmative.

Ordered, That Messrs. Kinney, Boon and Read of D. and M. be that committee.

The engrossed bill to incorporate the Wabash Insurance Company was read the third time and amended by consent, which amendment was considered as engrossed, and said bill passed.

Ordered, That said bill be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

On motion of Mr. Read of D. and M.,

The orders of the day were for the present postponed, and Mr. Read of D. and M., from the select committee, to which was referred the engrossed bill from the Senate, to provide for a state road from Terre-Haute in Vigo county, by the way of Carlisle in Sullivan county to Mount Pleasant in Martin county, reported the same with two amendments; which were read and concurred in by the House.

Ordered, That said amendments be engrossed and the bill read a third time to-morrow.

A message from the Senate, by Mr. Morris, their assistant secretary:

Mr. Speaker:

The Senate has passed a joint resolution relative to an appropriation of land, to aid in the improvement of the state road from Madison to Indianapolis—and also a memorial of the General Assembly, originating in the House of Representatives, both without amendment;

They have also passed a bill to authorize the board of justices of Dubois county to levy an additional tax, in which the concurrence of the House of Representatives is requested.

The said last named bill was read the first time, and

On motion of Mr. Stewart,

Was ordered to lie on the table.

The House resolved itself into a committee of the whole, on the bill to encourage the manufacture of salt in Switzerland county, and after some time spent therein the speaker resumed the chair, and Mr. Finley reported progress and asked leave to sit again;

And the question being put, "Shall the committee have leave?"

It was decided in the negative.

Mr. Kinney moved that said bill be recommitted to a select committee, and

Before the question was put on said motion,
 Mr. Finley moved that the further consideration thereof be indefinitely postponed;
 Which motion was decided in the negative.
 Mr. Logan then moved that said bill be laid on the table;
 Which motion was carried in the affirmative.

On motion of Mr. Crume,
 The committee of the whole to which was committed the bill to dissolve the bands of matrimony between Daniel Bilderback and Abigail his wife, was discharged from the further consideration thereof.

The said bill was then ordered to be engrossed, and read a third time to-morrow.

The House resolved itself into a committee of the whole, on the bill organizing the Supreme Court and defining its powers and duties, and after some time spent therein the speaker resumed the chair, and Mr. Elliott reported the same with sundry amendments, which were read and concurred in generally; and

On motion of Mr. Hall,
Ordered, That said bill do lie on the table.
 And then the House adjourned till to-morrow morning, at nine o'clock.

WEDNESDAY MORNING, DECEMBER 22, 1830.

The House met pursuant to adjournment.

Mr. Lynd presented a petition of the trustees of the Orange county library, praying a dissolution of their corporation, or other appropriate relief, and an accompanying voucher;

Which were read and referred to a select committee of Messrs. Lynd, Hall and Coffin.

Mr. Roe presented a petition of sundry citizens of Clark county, praying such amendments to the act entitled "an act to establish a College in the state of Indiana," approved, January 24th, 1828, as the more effectually to exclude sectarianism, in the management and economy of said institution, and that the tuition fees may be reduced;

Which was read, and referred to the committee on education.

Mr. Owens presented a petition of sundry citizens of Monroe county, praying various amendments of the above named act,

in order to secure a more liberal government of said institution; and a similar petition of sundry citizens of Owen county; Which were severally read and referred to the committee on education.

A message from the Senate by Mr. Morris, their assistant secretary:

"Mr. Speaker :

The Senate has passed an engrossed bill, originating in the House of Representatives, entitled "an act to repeal certain acts relative to Gibson county;

Also, a joint resolution of the House of Representatives, on the subject of a Land Office in the northern part of this state, without amendment."

Mr. Coffin presented a communication from Nicholas Springer and others, supplemental to and explanatory of a petition and remonstrance heretofore presented on the subject of the navigation of Lick creek;

Which was read and referred to a select committee of Messrs. Coffin, Read of D., and M., and Stewart.

Mr. Gardner presented a communication from Charles Trowbridge, sheriff of Vermillion county, being a claim for money expended in conveying Isaac W. Skinner to the State prison;

Which was read and referred to a select committee of Messrs. Gardner, Stewart and Casey.

Mr. Hoover, from the committee on the affairs of the town of Indianapolis, to which was referred a communication from his Excellency, the governor, relative to fire engines &c., reported a bill making an appropriation for procuring a fire engine for the town of Indianapolis;

Which was read the first time and passed to a second reading.

Mr. Ferris from the committee of revision, reported a bill concerning proceedings in ejectment, and for the relief of occupying claimants of land;

Which was read the first and second times (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time to-morrow.

Mr. Ferris from the same committee, reported a bill regulating distress for rent; and a bill concerning tenants holding over;

Which were severally read the first and second times, (the

rules of the House having first been dispensed with) and committed to a committee of the whole House for to-morrow.

The following communication was received from the Governor by Mr. Heylin, his private secretary:

“EXECUTIVE DEPARTMENT,”
Ind. Ind’s December 22, 1830. }

HON. SPEAKER OF THE
House of Representatives:

SIR—I lay before the House of Representatives, resolutions of the states of Pennsylvania, Louisiana and Delaware, on the subject of the tariff of 1828, declaring it both *constitutional* and *expedient*, &c.

Very respectfully, I am, sir,
Your ob’t servant,
J. BROWN RAY.”

Which was read and together with the accompanying documents,

Was referred to the committee on the judiciary.

Mr. Kinney from the committee of revision, reported a bill defining the duties of recorders, and a bill to regulate, descents, distribution and dower;

Which were severally read the first and second times (the rules of the House having first been dispensed with) and committed to a committee of the whole House for to-morrow.

A message from the Senate by Mr. Morris, their assistant secretary:

Mr. Speaker:

The Senate have passed an engrossed bill from the House of Representatives, entitled

“An act for the location and opening a state road from Logansport by way of Turkey creek and Elkhart prairie, to the northern line of the state, in the direction of Pigeon prairie in Michigan territory, without amendment:

They have also passed “An engrossed bill for the formation of congressional districts, and for the election of senators and representatives in Congress, in which they ask the concurrence of the House of Representatives.”

The said last named bill was read the first and second times, (the rules of the House having first been dispensed with) and committed to a committee of the whole House for to-morrow.

Mr. Herod from the committee of revision reported a bill organizing circuit courts and defining their powers and duties;

Which was read the first and second times (the rules of the

House having first been dispensed with) and committed to a committee of the whole House for to-morrow.

On motion of Mr. Ferris the bill for the re-location of a state road therein named, laid on the table on the 20th instant, was taken up, when

Mr. Ferris moved to amend the same by striking out the third section which reads in the words following, viz:

"That the balance of the three per cent. fund remaining in the hands of George Piercy, commissioner on said road, shall be required by this act to lay out the amount on hand in opening and repairing the proposed alteration so soon as the commissioners report the same to the clerk of Parke county, and notice given to the said commissioner," and inserting in lieu thereof the following:

"That George Piercy, commissioner on said road, be required to lay out the balance of the three per cent. fund remaining in his hands in opening and repairing said road as proposed to be altered by this act so soon as the commissioners report the same to the clerk of Parke county, and notice thereof be given to the said George Piercy, commissioner on said road;"

Which motion was carried in the affirmative.

The said bill was then ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Craig,

Resolved, That the committee on the affairs of the town of Indianapolis, be instructed to enquire into the expediency of appropriating the interest which may arise from the Indianapolis fund, to boring for salt water, in the different parts of this state, and that we no longer be under the oppression of Kenhawa.

On motion of Mr. Wallace of J.,

Resolved, That a select committee be appointed for the purpose of preparing and reporting to this House, a memorial to the Congress of the United States, praying an appropriation to remove obstructions and improve the navigation of the Ohio river, by constructing wing dams and opening the channel on the bars, from Pittsburgh to the mouth of said river.

Ordered, That Messrs. Wallace of J., Ferris, Pitcher and Dumont, be said committee.

Mr. Finley moved the following resolution:

Resolved, That the committee of revision be instructed so to amend the law for the recording of town plats, as to require such plats to be *transcribed* in a book, to be furnished for that purpose by the boards doing county business, in their respective counties;

And on the question to adopt the same,
It was decided in the negative.

On motion of Mr. Hall,

Resolved, That a select committee be appointed to enquire into the expediency of giving a lien to mechanics on buildings, for work done by them thereon, with leave to report by bill or otherwise,

Whereupon,

Messrs. Hall, McPheeters, Crume, Owens and Dowden, were appointed such committee.

On motion of Mr. Armstrong,

Resolved, That the judiciary committee be instructed to enquire into the expediency of so amending the law, regulating the duties and jurisdiction of Justices of the Peace, that they shall not be authorized to assess a fine in any case over three dollars, without the intervention of a jury of twelve citizens of the proper county in which they may respectively act as such justice, with leave to report said amendment by bill or otherwise.

And then the House adjourned till two o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Long moved to take up the resolution presented by him, and laid on the table on the 10th inst., which reads in the words following, to wit:

“Resolved, That a committee be appointed of members to report a bill to this House, making an apportionment of Senators and Representatives in the different counties in this state, agreeably to the enumeration of white male inhabitants above the age of twenty-one years;”

Which motion was carried in the affirmative.

Mr. Hoover moved to amend the amendment proposed by Mr. Boon, to said resolution, (to wit: by adding at the end thereof, the words “such apportionment to be made at a ratio of 1000 white male inhabitants as aforesaid, for a representative, and 3000 for a senator,” and which was pending when said resolution was last under consideration,) by striking out the words “3000,” and inserting in lieu thereof, the words “2500;” and

A division of the question being called for, it was put on striking out, and carried in the affirmative.

It was then proposed to fill the blank with the number

"2800,"—the numbers "2600" and "2000," were also severally proposed; and,

The question being put on filling the said blank with the number, "2800" it was decided in the negative;

The question then recurring on filling said blank with the number "5600,"

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Bence, Bentley, Boon, Casey, Coffin, Craig, Crume, Decker, Dowden, Elliott, Ferris, Finley, Galletely, Hall, Hamilton, Hankins, Hoover, Logan, Lynd, M'Nary, M'Pheeters, Owens, Paddacks, Parks, Pollock, Reiley, Roe, Schoonover, Work, Wright, Zenor and Howk, speaker—32.

And those who voted in the negative are,

Messrs. Beard, Bell, Bussell, Claypool, Dumont, Gardner, Herod, Hillis, Holman, Levenworth, Long, Lowry, Pitcher, Russell, Semans, Skeen, Smiley, Soper, Stewart, Wallace of F., Wallace of J., and Worth—22.

And so said motion was carried in the affirmative.

The question then recurring on the amendment of Mr. Boon as amended;

It was carried in the affirmative.

Mr. Beard then moved further to amend said resolution, by filling the blank before the word "members" with the word "fourteen;"

Which motion was carried in the affirmative.

On motion of Mr. Bell,

The vote given on the above named amendment proposed by Mr. Boon, was reconsidered, when

Mr. Hall moved to lay said resolution and proposed amendment on the table;

And the ayes and noes being required thereon, by two members:

Those who voted in the affirmative, are,

Messrs. Beard, Bell, Claypool, Coffin, Dumont, Hall, Hillis, Holman, Levenworth, Lowry, Reid of F., Russell, Semans, Skeen, Smiley, Soper, Stewart, Wallace of F., Wallace of J., and Worth,—22.

And those who voted in the negative, are,

Messrs. Bence, Bentley, Boon, Bussell, Casey, Craig, Crume,

Decker, Dowden, Elliott, Ferris, Finley, Galletely, Gardner, Hamilton, Hankins, Hendricks, Herod, Hoover, Logan, Long, Lynd, M'Nary, M'Pheeters, Owens, Paddacks, Parks, Pitcher, Pollock, Read of D. and M., Reiley, Roe, Schoonover, Work, Wright, Zenor and Howk, speaker—37.

And so said motion was decided in the negative.

Mr. Beard then moved to amend said proposed amendment, by striking out the words "1000," and inserting in lieu thereof, the words "800;"

Mr. Bell proposed "900," and

A division of the question being called for,

And the ayes and noes being required by two members on the question of striking out:

Those who voted in the affirmative, are,

Messrs. Beard, Bell, Bussell, Claypool, Coffin, Dumont, Ferris, Gardner, Hamilton, Hendricks, Herod, Hillis, Holman, Levenworth, Long, Lowry, Pitcher, Pollock, Reid of F., Russell, Semans, Skeen, Smiley, Soper, Stewart, Wallace of F., and Wallace of J.—27

And those who voted in the negative, are,

Messrs. Bence, Bentley, Boon, Casey, Craig, Crume Decker, Dowden, Elliott, Finley, Galletely, Hall, Hankins, Hoover, Logan, Lynd, M'Nary, M'Pheeters, Owens, Paddacks, Parks, Read of D. and M., Reiley, Roe, Schoonover, Work, Worth, Wright, Zenor and Howk, speaker—30.

And so said resolution was decided in the negative.

The question then recurring on the amendment proposed by Mr. Boon as amended,

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Bence, Bentley, Boon, Casey, Craig, Crume, Decker, Dowden, Elliott, Ferris, Finley, Galletely, Hall, Hankins, Hendricks, Hoover, Logan, Lynd, M'Nary, M'Pheeters, Owens, Paddacks, Parks, Pollock, Read of D. and M., Reiley Roe, Schoonover, Work, Wright, Zenor and Howk, speaker—32.

And those who voted in the negative are,

Messrs. Beard, Bell, Bussell, Claypool, Coffin, Dumont, Gardner, Hamilton, Herod, Hillis, Holman, Levenworth, Long, Lowry, Pitcher, Reid of F., Russell, Semans, Skeen, Smiley, Soper, Stewart, Wallace of F., Wallace of J. and Worth—25.

And so said motion was carried in the affirmative.

The question then recurring on the adoption of the resolution as amended:

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Bence, Bentley, Boon, Casey, Craig, Crume, Decker, Dowden, Elliott, Ferris, Finley, Galletely, Hall, Hankins, Hendricks, Hoover, Logan, Lynd, M'Nary, M'Pheeters, Owens, Paddacks, Parks, Pollock, Read of D. and M., Reiley, Roe; Schoonover, Work, Wright, Zenor and Howk, speaker—32.

And those who voted in the negative are,

Messrs. Beard, Bell, Bussell, Claypool, Coffin, Dumont, Gardner, Hamilton, Herod, Hillis, Holman, Levenworth, Long, Lowry, Pitcher, Reid of F., Russell, Semans, Skeen, Smiley, Soper, Stewart, Wallace of F., Wallace of J. and Worth—25.

And so said resolution, as amended, was adopted:

A message from the Senate by Mr. Morris, their assistant Secretary:

Mr. Speaker:

The Senate concur in the amendment proposed by the House of Representatives to an engrossed bill of the Senate entitled,

An act for the relief of Jonathan Legg and Elizabeth Thacker; and to the joint resolution of the Senate, relative to purchasers of the public lands.

The Senate have passed engrossed bills, entitled as follows, viz:

“An act to change part of the road from Mauk’s ferry to Indianapolis and for other purposes.”

“An act respecting apprentices.”

“An act concerning the auditor of public accounts, and the treasurer of the state; also,

An engrossed memorial to the Congress of the United States, on the subject of asylums, and for land to construct them, in which bills and joint resolution I am directed to ask the concurrence of the House of Representatives.

The said engrossed bills and memorial of the Senate, were then severally read the first time, and passed to a second reading.

On motion of Mr. Stewart,

The engrossed bill from the Senate to authorize the board of justices of Dubois county, to levy an additional tax, laid on the table yesterday, was taken up and read the second time.

Mr. Stewart then moved to amend said bill, by inserting between the word "claim" and the word "against," in the third line of the 4th section, these words, "of one hundred and thirty-five dollars;"

Which motion was carried in the affirmative.

Ordered, That the said amendment be engrossed, and the bill read a third time to-morrow.

The House then proceeded to consider the orders of the day:

The bill for the relief of Gabriel Ginn, collector of Fayette county,

Was read the second time and ordered to be engrossed and read a third time to-morrow.

The bill to provide for the building of a state house, and

The bill to amend the act, entitled "an act concerning clerks," approved January 31, 1824,

Were severally read the second time and committed to a committee of the whole House for to-morrow.

The engrossed bill from the Senate, in addition to an act entitled "an act to authorize the sale of a site for a steam mill at Indianapolis," approved January 26, 1827,

The engrossed bill from the senate to authorize Jacob Bales to build a toll bridge across Salt creek in Monroe county,

The engrossed memorial from the senate to the congress of the United States, on the continuation of the construction of the Cumberland road, and

The engrossed joint resolution from the senate directing the secretary of state to deliver certain documents to Indiana college, and historical society;

Were severally read the second time and passed to a third reading on to-morrow.

The bill to attach a part of the county of Clark to the county of Floyd,

Was read the second time, and

On motion of Mr. Work,

Ordered, That the same do lie on the table.

The engrossed joint resolution from the senate relative to the Indians and the Indian lands within this state, and

The engrossed bill of the senate to provide for a state road from Terre-Haute in Vigo county, by the way of Carlisle in Sullivan county, to Mount Pleasant in Martin county,

Were severally read the third time and passed.

Ordered, That the clerk inform the senate thereof, and ask their concurrence in the amendments.

The engrossed joint resolution for the benefit of John Rogers,
The engrossed bill to alter a part of the county line dividing
the counties of Marion and Hendricks, and

The engrossed bill to dissolve the bands of matrimony between Daniel Bilderback and Abigail his wife;
Were severally read the third time and passed.

Ordered, That said bills be entitled acts, and that the clerk carry them together with said joint resolution to the senate and ask their concurrence.

The House resolved itself into a committee of the whole on the bill regulating the taking up of animals going estray, and water craft and other articles of value adrift; and after some time spent therein, the speaker resumed the chair, and

Mr. Wallace of F., reported progress, and asked leave to sit again;

Which was granted.

And then the House adjourned till nine o'clock to-morrow morning.

THURSDAY MORNING, DECEMBER 23, 1830.

The House met pursuant to adjournment.

The Speaker appointed Messrs. Long, Finley, Pollock, Hendricks, M'Pheeters, Bentley, Casey, Hall, Reiley, Boon, Herod, Worth, Beard and Gardner, a select committee in pursuance of a resolution adopted yesterday on the subject of apportioning the state into Senate and Representative districts.

Mr. Finley presented a petition of sundry citizens of the town of Richmond, praying a certain amendment to the law regulating fire companies;

Which was read and referred to a select committee of Messrs. Finley, Reid of F., and Long.

Mr. Pollock from the committee on roads, to which was referred the petition of L. G. Thompson and others, praying an appropriation from the three per cent. fund to improve the State road leading from Fort Wayne, to intersect the State road from Piqua in the state of Ohio near Willshire, reported that they have had the same under consideration, and that it is inexpedient to legislate on that subject at this time;

Which was read and concurred in by the House.

Mr. Pollock from the same committee to which was referred the bill to relocate part of the State road leading from Newcastle to Lafayette, (numbered 2 in the report of the committee on unfinished business,) reported that they have had the same under consideration, and recommend the adoption of the following resolution:

Resolved, That the further consideration of said bill be indefinitely postponed;

Which report was read and concurred in.

Mr. Pollock from the same committee to which were referred the bill regulating mill-dams and navigable streams;

And the bill authorising the Boards doing county business to improve the navigation of streams, (numbered respectively 21 and 22 in the report of the committee on unfinished business) reported the same without amendment.

The said bills were then severally read the first time and passed to a second reading.

Mr. Ferris from the committee of revision, reported a bill authorising the writ of replevin;

Which was read the first and second times (the rules of the House having first been dispensed with,) and ordered to be engrossed and read a third time to-morrow.

Mr. Herod from the committee of revision, reported a bill to provide for the appointment of circuit prosecutor and defining his duties;

Which was read the first and second times, (the rules of the House having first been dispensed with) when

Mr. Herod moved that the blank in the second section thereof be filled with the words "five thousand;"

Which motion was carried in the affirmative.

The said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Gardner from the select committee to which was referred a petition on that subject, reported a bill making an allowance to Charles Trowbridge, of Vermillion county;

Which was read the first time, when

Mr. Roe moved that said bill be rejected;

Which motion was decided in the negative.

Ordered, That said bill do pass to a second reading.

On motion of Mr. Finley,

Resolved, That the judiciary committee be directed to enquire into the expediency of providing by law that the fines assessed and collected by justices of the peace for breaches of

any of the penal laws of this state, shall be paid over for the use of schools in the several congressional townships where the same may be assessed to the trustees of such townships.

Mr. McNary moved the following resolution:

Resolved, That the committee on education be instructed to enquire into the expediency of so amending the existing charter of the State College at Bloomington, as to prohibit the trustees thereof from continuing after the expiration of existing contracts, any two professors or teachers of the same religious sect or profession; and also to prohibit the appointment hereafter of any two preachers of the same religious creed, as professors or teachers in said institution;

Which was read, and

On motion of Mr. Herod,

Ordered, That the same do lie on the table.

On motion of Mr. McPheeters,

Resolved, That the judiciary committee be instructed to enquire into the expediency of examining into the settlements made with the different commissioners of the several state roads, by the agent of the three per cent. fund as authorised by law; and so far as settlements have been made, that said commissioners have the necessary relief that they are severally entitled to.

Mr. Herod moved the following resolution:

Resolved, That the committee of revision be requested to incorporate a provision in the revenue law, providing that taxable property shall become liable to taxation on some day certain to be fixed on previous to the time of assessing the same:

Mr. Bentley moved to amend said resolution by striking out the words "previous to the time of assessing the same;"

Which motion was decided in the negative:

The question then recurring on the adoption of the resolution, it was carried in the affirmative.

Mr. Worth from the joint committee on enrolled bills, reported

That they have compared the enrolled with the engrossed bill and joint resolutions, entitled to wit:

"An act to incorporate the Levenworth Seminary:

"A joint resolution in favor of William Lindsey, Howard Putnam, Peter Houston, Francis Odler (or Outler) Cutberth Tisdell, William Ray and William Owens, soldiers of the revolution;

"A joint resolution of the General Assembly on the subject of the Michigan road, and

"A joint resolution relative to the Illinois grant," and find the same truly enrolled;

Whereupon,

The Speaker signed said bill and joint resolutions:

Ordered, That the clerk carry them to the Senate for the signature of their president.

Mr. Bussell moved the following resolution:

Resolved, That the committee on roads be instructed to inquire into the expediency of compelling all who are compelled to pay a state and county revenue, to pay a road tax in proportion to the amount of state and county revenue which they pay, and report by bill, &c.

Mr. Hoover moved to amend the same by inserting after the word "revenue" where it first occurs, these words, "in the county of Rush;"

Which motion was carried in the affirmative; and

On motion of Mr. Hillis,

Ordered, That said resolution do lie on the table.

Mr. Bussell moved the following resolution:

Resolved, That the committee on roads be instructed to enquire into the expediency of so amending the road law as to make it the duty of the supervisors to receive from each person who may be compelled by law to work on roads, &c. the sum of twenty-five cents for each day's work that may be due said road, and report by bill or otherwise.

Mr. Wallace of J., moved to amend the same by striking out therefrom the word "twenty," and inserting in lieu thereof the words "seventy:"

A division of the question being called for, it was put on striking out, and carried in the affirmative, and

Before the question was put on filling the blank with the words seventy:

Mr. Long moved to lay said resolution and proposed amendment on the table;

Which motion was carried in the affirmative.

Mr. Russell, after having obtained leave, presented a joint resolution on the subject of improving the navigation of the Wabash and White rivers:

Which was read the first time and passed to a second reading.

The House then proceeded to consider the orders of the day:

The bill making an appropriation for procuring a fire engine for the town of Indianapolis;

Was read the second time and committed to a committee of the whole house for to-morrow.

The engrossed bill from the Senate to change part of the state road from Mauk's ferry to Indianapolis;

Was read the second time, and

On motion of Mr. Hamilton,

The said bill was amended by inserting between the first and second sections thereof, the following as an additional section, to-wit:

"Sec. And be it further enacted that the aforesaid state road so vacated, shall from henceforth be considered a county road, and shall be kept in repair under the same rules and regulations that county roads are."

The said bill was then ordered to pass to a third reading to-morrow.

The engrossed bill from the Senate respecting apprentices,

The engrossed memorial from the Senate to the Congress of the United States on the subject of asylums and for land to construct them, and

The engrossed bill from the Senate concerning the auditor of public accounts and the treasurer of state,

Were severally read the second time and passed to a third reading.

Engrossed bills of the House of the following titles, to wit:

A bill for the relief of Gabriel Ginn, collector of Fayette county,

A bill to re-locate part of the state road leading from Indianapolis by the way of Danville to Montezuma, and

A bill concerning proceedings in ejectment, and for the relief of occupying claimants of land, were severally read the third time and passed.

Ordered, That the same be entitled acts, and that the clerk carry them to the Senate and ask their concurrence;

The engrossed bill from the Senate to authorise the Board of Justices of Dubois county, to levy an additional tax,

Was read the third time and passed:

Ordered, That the clerk inform the Senate thereof, and ask their concurrence in the amendment.

Engrossed bills, a joint resolution and memorial from the Senate of the following titles, to-wit:

An act in addition to an act entitled "An act to authorise the sale of a site for a steam mill at Indianapolis;"

An act to authorise Jacob Bales to build a bridge across Salt creek, in Monroe county;

A memorial to the Congress of the United States, on the continuation of the construction of the Cumberland road, and

A joint resolution of the General Assembly of the state of Indiana, directing the secretary of state to deliver certain public documents to Indiana College and the Historical Society,

Were severally read the third time and passed:

Ordered, That the clerk inform the Senate;

And then the House adjourned till two o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

A message from the Senate, by Mr. Morris, their assistant secretary:

Mr. Speaker,

I am instructed to inform the House of Representatives, that the Senate have agreed to the amendment proposed by the House to the engrossed bill of the Senate, entitled as follows:

"An act to authorise the Board of justices of Dubois county to levy an additional tax," and to the amendment proposed to the joint resolution relative to purchasers of public lands.

On motion of Mr. Zenor,

The committee of the whole to which was committed the bill regulating the taking up of animals going astray, and water craft and other articles of value adrift;

Was discharged from the further consideration thereof;

Mr. Zenor then moved that said bill be re-committed to a select committee;

Which motion was carried in the affirmative;

Ordered, That Messrs. Zenor, Wallace of J., and Crume, be that committee.

The House resolved itself into a committee of the whole on the bill to regulate divorces, and after some time spent therein the Speaker resumed the chair, and

Mr. Pollock reported the same with one amendment;

Which was read and concurred in:

Said bill was then ordered to be engrossed and read a third time to-morrow.

The House resolved itself into a committee of the whole on the bill authorising domestic attachments and regulating the proceedings therein, and after some time spent therein, the Speaker resumed the chair, and

Mr. Long reported the same with sundry amendments,

Which were read, and the ayes and noes being required by two members on the question of concurring in the first amendment reported by the committee, to-wit: by inserting in the 12th line of the first section after the word "contract," these words "or the nature of the trespass or injury, provided no writ of attachment shall issue for slander or libel;"

Those who voted in the affirmative are,

Messrs. Beard, Bell, Bence, Bentley, Boon, Claypool, Coffin, Craig, Dowden, Dumont, Elliott, Galletely, Gardner, Hall, Hamilton, Hankins, Hendricks, Holman, Levenworth, Lowry, Lynd, M'Nary, M'Pheeters, Owens, Parks, Pitcher, Read of D. and M., Reid of F., Reiley, Roe, Schoonover, Semans, Skeen, Smiley, Soper, Work, Worth, Wright, Zenor & Howk, Speaker—40.

And those who voted in the negative, are,

Messrs. Armstrong, Bussell, Casey, Crume, Ferris, Finley, Herod, Hillis, Hoover, Logan, Long, Paddacks, Pollock, Russell, Wallace of F., and Wallace of J.,—16;

And so the House concurred in said amendment, and then

The remaining amendments reported by said committee, were concurred in generally, and

The said bill was then ordered to be engrossed and read a third time to-morrow.

The House resolved itself into a committee of the whole, on the bill relative to foreign attachments, and after some time spent therein, the Speaker resumed the chair, and Mr. Ferris reported the same with sundry amendments;

Which were read and concurred in:

Mr. Read of D. and M., then moved to amend said bill by adding at the end of the 5th section thereof, these words, to-wit: "in all cases where any property is attached that is liable to immediate damage, it shall be lawful for the officer attaching the same, to make sale of such property by giving ten days notice;"

Which motion was carried in the affirmative.

The said bill was then ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Bence,

The committee of the whole to which was committed the bill to provide for semi-annual fairs in the several counties in this state, was discharged from the further consideration thereof, when

Mr. Bence moved that it be recommitted to a select committee;

Which motion was carried in the affirmative.

Ordered, That Messrs. Bence, Bentley and Schoonover, be that committee.

The House resolved itself into a committee of the whole on the bill to amend an act entitled "An act concerning Clerks," approved January 31, 1824; and after some time spent therein the Speaker resumed the chair, and Mr. Herod reported the same with sundry amendments;

And the question being put,

Will the House concur therein?

It was decided in the negative.

Mr. Crume then moved to amend said bill by striking out from the first section, the word "hereafter" and inserting in lieu thereof, these words "from and after the first Monday in August next;"

Which motion was carried in the affirmative;

Mr. Crume then moved further to amend said bill by striking out the second section thereof; and before the question was put on said motion,

Mr. Soper moved that the further consideration of said bill be indefinitely postponed;

Which motion was carried in the affirmative.

And then the House adjourned until to-morrow morning, 9 o'clock.

FRIDAY MORNING, DECEMBER 24, 1830.

The House met pursuant to adjournment.

The speaker laid before the House a communication from the agent of state, relative to the quantity of unsold land without the town plat of Indianapolis, accompanied with a diagram, shewing the quantity sold and unsold, made in pursuance of a resolution of this House;

Which was read and referred to the committee on the affairs of the town of Indianapolis.

The speaker laid before the House a communication from the secretary of state relative to the supplemental return of polls from Sullivan county;

Which was read and referred to the select committee ap-

pointed yesterday to report a bill for the apportionment of Senators and Representatives.

Mr. Claypool presented a petition of Richard Meek and others, praying an appropriation of money on the state road leading from Crawfordsville to Covington, and that it may be opened from the last named place to the state line in the direction to Fort Clark;

Which was read and referred to the committee on roads.

Mr. Pitcher presented a petition of sundry citizens of War-
rick and Spencer counties, praying an act authorizing Alpha Frisby to continue a mill dam of a certain height, across Little Pigeon creek, with accompanying documents;

Which were read and referred to a select committee of Messrs. Pitcher, Levenworth and Casey.

Mr. Holman presented a communication from the clerk of St. Joseph county, relative to the enumeration of white male inhabitants in said county over age of 21 years;

Which was read and referred to the select committee appointed yesterday, to report a bill relative to the apportionment of Senators and Representatives.

Mr. Beard presented a petition of Thomas Glenn and others, praying that William Conner may be appointed guardian of Nancy Clouse, an infant, and for relief to said Nancy;

Which was read, and referred to the committee on the judiciary.

A message from the Governor by Mr. Heylin his private secretary:

"Mr. Speaker:

I am directed by the Governor, to inform the House of Representatives that he did, on this day, approve, sign and file in the office of Secretary of State,

An act to incorporate the Levenworth seminary."

A message from the Senate by Mr. Morris, their assistant secretary:

"Mr. Speaker:

The senate have passed the bill from the House of Representatives entitled,

"An act to incorporate the Wabash Insurance Company, without amendment.

They agree to the amendments proposed by the House, to the engrossed bill from the senate, entitled,

"An act to provide for a state road from Terre-Haute in Vir

go county, via Carlisle in Sullivan county, to Mount Pleasant in Martin county," and

Joint resolution of the Senate, entitled "Joint resolution of the General Assembly of the state of Indiana relative to the Indians and Indian lands within the state."

Mr. Owens presented a petition of sundry citizens of Washington county, praying the repeal of so much of the act entitled "an act relating to crime and punishment," as prohibits sporting, hunting, fishing and common labour on the first day of the week commonly called Sunday, under the penalty annexed thereto.

Which was read, when

Mr. Owen moved to refer the same to the committee on the judiciary;

Which motion was decided in the negative.

Mr. Logan then moved that said petition be laid on the table;

Which motion was decided in the negative; and,

On motion of Mr. Owens,

The same was referred to a select committee.

Ordered, That Messrs. Owens, Hall, McPheeters, Bell, Hoover, Hills and Dowden be that committee.

Mr. Ferris from the committee on education, to which was referred a resolution instructing them to enquire into the expediency of admitting all orphan children into the Indiana College, free of tuition fees, reported, that they have had the same under consideration, and are of opinion, that common school education is far the most efficient in disseminating useful knowledge amongst the great mass of our youth, and that the first exertion of this body should be to extend their beneficence in establishing common schools, upon such principles as would afford to each child in our country, the opportunity of receiving such instruction as would qualify him or her for the common pursuits of life; and the committee sincerely regret the want of the necessary means to present to all the opportunity of obtaining such an education. They are therefore of opinion that it would be inexpedient to legislate on that subject, at this time;

Which report was read and ordered to lie on the table.

Mr. Hoover from the committee on the affairs of the town of Indianapolis, to which was referred a resolution of the House, relative to the appropriation of the interest of the Indianapolis fund, for the purpose of boring for salt water, reported,

That although the committee might be disposed to favor the object of the resolution, and must acknowledge its importance to the consideration of the House, yet taking into view the a-

foresaid fund, and the purpose for which it appears to be pledged, they are of opinion that it would be a breach of public faith to assign it to a different object;

Which report was read and concurred in.

Mr. Pollock from the committee on roads, to which was referred the petition of sundry citizens of Fayette and Rush counties, praying for the location of a state road, reported,

A bill establishing a state road from Connersville to Knight's-town;

Which was read the first time and passed to a second reading.

Mr. Crume from the committee on roads, to which was referred sundry petitions from the citizens of Fayette, Rush and Henry counties on that subject, reported,

A bill to locate a state road from Connersville, in Fayette county, to Louisville in Henry county;

Which was read the first time, and passed to a second reading.

Mr. Stewart from the select committee to which was referred the petition of James Kinman and others, reported,

A bill to vacate a part of a certain state road therein named, and for other purposes;

Which was read the first time and passed to a second reading.

On motion of Mr. Logan.

Resolved, That a select committee be appointed to call on the Adjutant General, and ascertain the number of brigades, regiments and companies of artillery there are in the state, and to what regiments such companies of artillery belong, for the purpose of making a fair distribution of the copies of infantry and artillery tacticks now subject to distribution by this general assembly.

Ordered, That Messrs. Logan, Roe and Hamilton be that committee.

Mr. Hoover moved the following resolution:

Resolved, That the committee of revision be directed to incorporate into the act relative to marriages, a provision to prevent all itinerant and circuit preachers of the gospel from solemnizing the rites of matrimony.

Mr. Hillis moved to amend said resolution, by striking out the words "itinerant and circuit," and inserting in lieu thereof, the word "travelling;"

Which motion was carried in the affirmative.

Mr. Dumont moved further to amend said resolution, by adding thereto a proviso that circuit preachers shall not be considered travelling preachers;

Which was decided in the negative; and

On motion of Mr. Long,

The said resolution was ordered to lie on the table.

On motion of Mr. Ferris,

The committee on the judiciary were discharged from the further consideration of the resolution of the House, referred to them yesterday on the subject of the accounts of commissioners of state roads, and the granting relief to them, and

The said resolution was then referred to a select committee of Messrs. Ferris, McPheeters, Paddacks, Wallace of F., and Stewart.

Mr. Elliott from the joint committee on enrolled bills, reported, that they did on this day, present to the governor for his approval and signature, the following act and joint resolutions, to-wit;

An act to incorporate the Levenworth seminary, and

A joint resolution in favor of William Lindsay, Howard Putnam, Peter Houston, Francis Odlen (or Outlan) Cutbirth Tisdell, William Ray and William Owens, soldiers of the revolution;

A joint resolution of the General Assembly on the subject of the Michigan road,

And a joint resolution relative to the Illinois grant.

On motion of Mr. Reid of F.,

Resolved, That the committee on elections be instructed to enquire into the propriety of so amending the law on that subject, as to allow the Board doing county business, to order the election of any number of justices of the peace, not exceeding three in each township.

On motion of Mr. Long,

Resolved, That a select committee be appointed to enquire into the expediency of locating and establishing a state road from Newcastle in Henry county, to Milton in Wayne county.

Ordered, That Messrs. Long, Wright and Finley, be that committee.

On motion of Mr. Owens,

Resolved, That the committee on education be instructed to enquire into the expediency of so amending the law relating to the school lands in the several congressional townships, that the trustees of such school lands shall be authorised in all cases

where such lands have been offered for sale, and have not been sold for want of bidders, owing to their being valued at too high a price, to reduce the price set on such lands, and that the lands be offered at public sale a second time, provided that in no case such lands shall be reduced to a less price than one dollar twenty-five cents per acre.

On motion of Mr. Claypool,

Resolved, That the committee on roads be instructed to enquire into the expediency of so amending the law regulating the duties of supervisors as to specify the time when new settlers shall be liable to work on roads.

Mr. Reid of F., moved the following resolution:

Resolved, That the committee of ways and means be instructed to enquire into the expediency of so amending the revenue law as to make it the duty of the county treasurer to bid off all lands for the state, which may be sold for taxes in their respective counties, and that each individual who may have land thus sold, shall have the right to redeem the same at any time within five years by paying the whole amount of taxes due thereon, with a reasonable per cent. on the same;

Which was read, and the question being put on its adoption, It was decided in the negative.

Mr. Boon moved the following resolution:

Resolved, That the committee of ways and means be instructed to enquire into the expediency of increasing the salary of the governor to fifteen hundred dollars;

Which was read and ordered to lie on the table.

The House then proceeded to consider the orders of the day:

The bill regulating mill-dams on navigable streams, and

The bill making an allowance to Charles Trowbridge of Vermillion county;

Were severally read the second time and committed to a committee of the whole House for to-morrow;

The bill to authorise the boards doing county business, to improve the navigation of streams,

Was read the second time and ordered to be re-committed to the committee on the Judiciary;

The joint resolution to improve the navigation of the Wabash and White rivers,

Was read the second time and ordered to be engrossed and read a third time to-morrow.

Engrossed bills and a memorial from the Senate, of the following titles, to-wit:

"An act concerning apprentices.

A memorial to the Congress of the United States, on the subject of asylums, and for land to construct them;

An act concerning the auditor of public accounts and the treasurer of state, and

An act to change part of the state road from Mauks ferry to Indianapolis,

Were severally read the third time and passed.

Ordered, That the clerk inform the Senate, and ask their concurrence in the amendment to the last named bill.

Engrossed bills of the House, of the following titles, to-wit:

The bill regulating the action of replevin;

The bill to provide for the appointment of circuit prosecutor, and defining his duties;

The bill concerning divorces;

The bill authorising domestic attachments, and regulating the proceedings thereon, and

The bill relative to foreign attachments,

Were severally read the third time and passed:

Ordered, That said bills be entitled acts, and that the clerk carry them to the Senate and ask their concurrence.

The House resolved itself into a committee of the whole on the bill to provide for the building of a state house, and after some time spent therein, the Speaker resumed the chair, and Mr. Crume reported progress, and asked leave to sit again,

Which was granted;

And then the House adjourned till two o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Hall,

The orders of the day were for the present postponed, and the bill organizing the Supreme Court and defining its powers and duties, was taken up:

The said bill was then ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Long,

The house granted to Mr. Smiley, leave of absence until Monday next.

The House again proceeded to consider the orders of the day.

The House resolved itself into a committee of the whole on the bill organizing circuit courts, and defining their powers

and duties, and after some time spent therein, the Speaker resumed the chair, and

Mr. Holman reported the same with sundry amendments;
Which were read and concurred in generally.

The said bill was then ordered to be engrossed and read a third time to-morrow.

The house resolved itself into a committee of the whole on the engrossed bill from the Senate for the formation of congressional districts, and for the election of Senators and representatives in Congress, and after some time spent therein, the speaker resumed the chair,

And Mr. McNary reported the same without amendment:

Mr. Hillis then moved to amend said bill by striking out from the 6th section thereof the words "Cass, Elkhart and St. Joseph."

Which motion was decided in the negative;

The said bill was then ordered to be engrossed and read a third time tomorrow.

The House resolved itself into a committee of the whole on the bill to regulate descents, distribution and dower; and after some time spent therein, the speaker resumed the chair, and

Mr. Gardner reported the same with one amendment;

Which was read and concurred in by the House.

The said bill was then ordered to be engrossed and read a third time to-morrow.

The House resolved itself into a committee of the whole, on the bill defining the duties of recorders; and after some time spent therein, the Speaker resumed the chair, and Mr. Pad-dacks reported the same with sundry amendments;

Which were read and concurred in generally:

The said bill was then ordered to be engrossed and read a third time to-morrow,

And then the House adjourned till Monday morning nine o'clock

MONDAY MORNING, DECEMBER 27, 1830.

The House met pursuant to adjournment.

Thomas Brown, a member from Union county, and Joseph Lane, a member from Warrick and Vanderburgh counties appeared, produced their credentials, were severally sworn into

office by the Hon. Jesse L. Holman, a judge of the Supreme Court, and took their seats.

Mr. Smiley to whom leave of absence was given on the 24th inst., again appeared and took his seat.

Mr. Smiley presented a petition of Eli Gilcrees and others, praying a change in part of the state road, established by an act approved January 12th, 1829, leading from the Illinois state line, by way of certain points, in said act named, to Greensburgh: and a remonstrance of sundry citizens of Johnson county against such change;

Which were read, and referred to the committee on roads.

Mr. Beard presented a petition of sundry citizens of Parker Putnam and Montgomery counties, praying the formation of a new county out of contiguous portions of the counties above named.

Which was read, and

On motion of Mr. Gardner,
Was ordered to lie on the table.

Mr. Smiley presented a petition of sundry citizens of Johnson county, praying a relocation of part of the Mauk's ferry state road, within said county;

Which was read and referred to a select committee of Messrs. Smiley, Herod and Worth.

Mr. Hall from the committee on the judiciary, to which were referred a resolution of the House, directing them to enquire into the expediency of repealing so much of the act regulating the jurisdiction and duties of justices of the peace, as authorizes them to assess a fine over three dollars, without the intervention of a jury, and a resolution directing them to report a bill to amend said act so as to extend the jurisdiction of justices of the peace, in actions of trespass, trover and replevin, to fifty dollars, and in actions of covenant, to one hundred dollars, reported a bill to amend an act entitled "an act regulating the jurisdiction and duties of justices of the peace;"

Which was read the first and second times, (the rules of the House having first been dispensed with,) and referred to the committee of revision, with instructions to incorporate the same in the bill to be by them reported on that subject.

Mr. Hall from the committee on the judiciary, to which was referred the petition on that subject, reported,

A bill for the relief of John Smith and others;

Which was read the first time, and passed to a second reading.

Mr. Kinney from the committee of revision, reported a bill regulating the fees of the several officers and persons therein named;

Which was twice read, (the rules of the House having first been dispensed with,) and committed to a committee of the whole House for to-morrow.

The following message was received from the Senate on the 24th, instant, by Mr. Morris their assistant secretary:

"Mr. Speaker,

The Senate have passed engrossed bills, originating in the House of Representatives, entitled acts, as follows, viz:

An act to amend an act entitled an act for the relief of the infant heirs of Westley Harrison, dec. approved December 18, 1828, without amendment, and

An act authorising asylums in the counties of Wayne and Harrison, with an amendment.—Also,

A joint resolution of the House of Representatives, for the benefit of John Rogers.

They have also passed two bills of the Senate, entitled 'acts,' as follows, viz:

An act to regulate the mode of doing county business in the several counties in this state; and

An act to provide for the relocation of part of a state road from Greencastle, in Putnam county, through Rockville in Parke county, to Newport in Vermillion county;

Also, a joint resolution relative to the improvement of a Harbor on Lake Michigan, in which amendment to the act of the House of Representatives, and the two acts and joint resolution of the Senate, the concurrence of the House of Representatives is requested.

The said amendment, made by the Senate to the above named bill of the House, entitled "an act authorizing asylums in the counties of Wayne and Harrison, was read and concurred in by the house.

Ordered, That the clerk inform the Senate thereof.

The above named bill of the Senate, entitled an act to regulate the mode of doing county business in the several counties in this state,

Was read the first and second times (the rules of the house having first been dispensed with) and committed to a committee of the whole house for to-morrow.

The said bill from the senate, to provide for the re-location of part of a state road from Greencastle, in Putnam county, through Rockville, in Park county, to Newport, in Vermillion county, and the said joint resolution, from the senate, relative

to the improvement of a harbor on Lake Michigan. were severally read the first time and passed to a second reading.

On motion of Mr. Galletely,

Resolved, That the committee on education be instructed to enquire into the practicability, propriety and utility of establishing one or more seminaries of learning, in this state, combining labor and education; giving an education founded on the English language, science, &c. &c. altogether adapted to the practical business of life through its different modifications.

On motion of Mr. Hamilton,

Resolved, That a select committee be appointed to enquire into the expediency of authorising the boards doing county business, in counties through which any navigable streams may run, to distric the same and appoint supervisors and hands thereon, for the purpose of improving the navigation thereof.

Ordered, That Messrs. Hamilton, Herod, Logan and Parks be that committee.

Mr. Lowry moved the following resolution:

Resolved, That the committee of revision be instructed to insert the following in its proper place, to-wit: "No person hereafter shall be taken as security for any two of the following offices, viz: sheriff, county treasurer, or collector of the revenue, until the officer for whom he stood security. shall have complied with the condition of his bond;" which,

On motion of Mr. Hillis,

Was so amended as to direct said committee to enquire into the expediency of inserting as aforesaid the matter therein proposed; and then

The resolution as amended, was adopted.

The House then proceeded to consider the orders of the day:

The bill establishing a state road from Connnersville to Knightstown, and

The bill to locate a state road from Connnersville, in Fayette county, to Louisville, in Henry county;

Were severally read the second time, and committed to a committee of the whole House for to-morrow.

The bill to vacate part of a certain state road therein named, and for other purposes,

Was read a second time, when

Mr. Boon moved that the further consideration therot be indefinitely postponed;

Which motion was decided in the negative.

The said bill was then ordered to be engrossed and read a third time to-morrow.

The engrossed joint resolution to improve the navigation of the Wabash and White rivers, and

The engrossed bill organizing circuit Courts and defining their powers and duties,

Were severally read the third time and passed.

Ordered, That said bill be entitled an act, and that the clerk carry it, together with said joint resolution, to the Senate and ask their concurrence.

The engrossed bill from the Senate, for the formation of Congressional districts, and for the election of Senators and Representatives in Congress,

Was read the third time and passed.

Ordered, That the clerk inform the Senate.

The engrossed bill organizing the supreme court, and defining its powers and duties,

Was read the third time, and,

On motion of Mr. Herod,

Was amended by unanimous consent, by striking out the words "on or," in the seventh section, and inserting in lieu thereof, the words "ten days;"

Which amendment was considered as engrossed;

And said bill passed.

Ordered, That the same be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

The engrossed bill to regulate detcents, distribution and dower,

Was read the third time.

Mr. Ferris moved to amend the same, by inserting after the word "coverture," in the twelfth section, the following: "except such as shall have passed from his possession by due course of law, or such as shall have been sold by and with her consent, duly acknowledged according to law;"

Which motion was decided in the negative.

And the question being put, "Shall said bill pass?"

It was carried in the affirmative.

Ordered, That the same be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

And then the House adjourned till 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The engrossed bill defining the duties of recorders was read the third time and passed.

Ordered, That the same be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

The Speaker laid before the House a communication from the Auditor of Public Accounts, covering a report on the subject of the Wabash and Erie canal funds, as follows:

"AUDITOR'S OFFICE, }
Indianapolis, December 27, 1830. }

HON. ISAAC HOWK, *Speaker*

of the House of Representatives:

SIR—The enclosed report exhibits the *total* amount of receipts and expenditures of the Wabash and Erie canal fund, up to this date. As the Canal Commissioners have not yet filed in this office the necessary maps, tract books and register of sales, a report more in detail cannot at this time be made.

I am respectfully,

Sir, your's,
MORRIS MORRIS, A. P. A.

AUDITOR'S OFFICE, Dec. 27, 1830.

In accordance with an act of the General Assembly, approved January 28th, 1830, the following report of receipts and expenditures, on account of the Wabash and Erie canal, is respectfully submitted:

There has been received on account of the sales of the Wabash and Erie canal lands, as per Commissioner's report \$27,62. 05

There has been expended on account of the canal, as per Commissioner's report, accompanied by proper vouchers, the following sums, to wit:

For Commissioners	-	-	1184 63½
" principal and assistant Engineer	-	-	1265 12½
" surveying and chain carrying	-	-	77 56½
" canal books, and binding maps	-	-	59 50
" transporting canal books to Logansport	-	-	18 25
" hands in surveying	-	-	240 73½
" searching for stone and selecting land	-	-	19 75
" rodmar	-	-	19 00
" boarding, cooking utensils and stationary	-	-	451 28
" contingent expenses	-	-	31 37½
" advertising sale of canal lands and certificates	-	-	357 25½
" sale crier, clerks, and selecting lock sites	-	-	167 00
" house rent for sales	-	-	6 00
" table for commissioners	-	-	7 00
" conveying canal fund to treasury	-	-	35 00

Making the total amount of expenditures for last year - - - - - 3939 47½

Which subtracted from \$27,621 05 canal fund, and there is left a balance in its favor of 23681 58

Which sum is subject to the following claims, agreeably to an act of the General Assembly, approved 28th January, 1830.

To D. Burr canal commissioner - - - 1000 00

“ canal commissioners appropriated to pay balance of expenditures of commissioners 740 06

“ canal commissioners on account of general appropriation - - - - - 1000 00

“ M. Morris 1st qrs. salary - - - - - 25 00

“ S. Merrill 1st “ - - - - - 37 50

“ John Cain for canal books - - - - - 100 00

“ J. Sullivan commissioner to treat with Ohio 69 00

2971 56

Which deducted from the above sum leaves a balance in favor of the canal fund of 20710 02

Respectfully submitted,

MORRIS MORRIS, A. P. A.”

Which were read and referred to the committee on canals and internal improvements.

The House again resolved itself into a committee of the whole, on the bill to provide for the building of a state house, and after some time spent therein the Speaker resumed the chair, and Mr. Armstrong reported the same with sundry amendments;

Which were read and concurred in generally.

Mr. Wallace of J. moved to recommit said bill to the committee on the affairs of the town of Indianapolis, with instructions so to amend the same as to provide for the procuring of perches of stone timber and lumber, and hold out a premium for a draft of a state house, to be submitted to the next legislature;

Which motion was carried in the affirmative.

The House resolved itself into a committee of the whole, on the bill concerning tenants holding over, and after some time spent therein, the Speaker resumed the chair, and Mr. Beard reported the same without amendment.

The said bill was then ordered to be engrossed and read a third time to-morrow.

The House resolved itself into a committee of the whole; on the bill regulating distress for rent, and after some time spent therein, the Speaker resumed the chair, and Mr. Bell reported the same with sundry amendments;

Which were read and concurred in generally.

Mr. Craig then moved to amend said bill, by inserting the following as an additional section, viz:

"SEC. That in case said defendant shall deliver up all his goods and chattels to the proper officer, under such distress warrant, the said officer shall exempt one cow and calf and one bed and bedding, clear from such distress warrant for each family."

Mr. Kinney moved to amend said proposed amendment, so as to extend the provisions of the law, exempting property from execution to all cases of distress warrants;

Which motion was carried in the affirmative.

The question then recurring on the amendment of Mr. Craig, as amended, it was carried in the affirmative.

The said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Worth from the joint committee on enrolled bills, reported,

That they have compared the enrolled with the engrossed joint resolution, entitled

A joint resolution for the benefit of John Rogers;

And found the same truly enrolled:

Whereupon the Speaker signed said joint resolution.

Ordered, That the clerk carry it to the Senate for the signature of their president.

And then the House adjourned until to-morrow morning, 9 o'clock.

TUESDAY MORNING, DECEMBER 28, 1830.

The House met pursuant to adjournment.

Mr. Parks presented a petition of sundry citizens of Lawrence county, praying an act to incorporate their county seminary;

Which was read and referred to a select committee of Messrs. Parks, Owens and Lynd.

Mr. Hoover presented a petition of sundry citizens of Boon county, reciting that owing to an irregularity in the proceed-

ings of the commissioners, appointed by an act of the last session to locate the seat of justice for said county, the Board of Justices had declined acting upon the report of said commissioners, and that said county seat was fixed by said commissioners at an inconvenient and unfavorable point, and praying an act to locate their seat of justice on the west half of the north-west quarter of section thirty-one, in township 19, north of range 1 east; and on the east half of the north-east quarter of sec. 36, town 19, north of range 1 west, being the centre of the county;

Which was read and referred to a select committee of Messrs. Hoover, Bell and Worth.

Mr. Worth presented a petition of John Denny and others, praying a change in four miles of the state road from Clinton to Greensburgh, so as to follow the route of the Cumberland road;

Which was read and referred to a select committee of Messrs. Worth, Russell, Galletely and Smiley.

Mr. Lane presented a remonstrance of W. C. Graham and others, against authorising Alpha Frisby to continue his mill-dam across Little Pigeon creek, in Warrick county;

Which was read and referred to the same select committee to which a petition on that subject was heretofore referred.

Mr. Hall, from the judiciary committee to which was referred the petition of Thomas Glenn and others, praying the passage of an act of this Genreal Assembly, appointing a guardian for Nancy Clouse, reported that the committee considering the subject thereof of a judicial character, and impressed with the conviction that this General Assembly have no judicial powers, ask to be discharged from the further consideration of the subject;

Ordered, That said committee be discharged accordingly.

Mr. Kinney, from the judiciary committee to which was referred the petition of William Bush and others, reported a bill to consolidate the towns therein named;

Which was read the first time, and passed to a second reading.

On motion of Mr. Casey,

Mr. Lane was added to the committee on roads.

Mr. Pollock from the committee on roads, to which were referred, resolutions of the House, directing an enquiry into the expediency of making appropriations from the three per cent.

and, upon the state road leading from Boro to Terre-Haute, and on the stage route from Princeton to Mount Vernon respectively, reported that they have had the same under consideration, and are of opinion that it is inexpedient to legislate on those subjects at this time;

Which was read, and

On motion of Mr. Casey,

Was ordered to lie on the table.

Mr. Skeen from the committee on roads, to which was referred a bill concerning monies expended on the Michigan road, and a bill to locate and open a state road from Mooresville, in Morgan county, to Crawfordsville, in Montgomery county, numbered respectively *one* and *five* in the report of the committee on unfinished business, reported that they have had the same under consideration, and recommend the adoption of the following resolution:

Resolved, That bills Nos. 1 and 5, in the report of the committee on unfinished business, be indefinitely postponed;

Which was read, and

On motion of Mr. Beard,

Ordered, That the said resolution and bills therein named, do lie on the table.

Mr. Finley from the select committee to which was referred the petition of sundry citizens of Richmond in Wayne county, praying an amendment to the act authorising the establishment of fire companies; reported the following resolution, viz:

Resolved, That the committee of revision be instructed to insert the following proviso in the act for the establishment of fire companies: *Provided*, That wherever such company or companies, shall have recorded their names, and the sum subscribed by each member agreeably to the provisions of this act, it shall be lawful after giving written notice thereof, to be posted up in at least three of the most public places in such town or corporation, to hold any regular or adjourned meeting, to make, alter, or amend such bye-laws, rules and regulations as as two-thirds of the members present, may deem proper and necessary, in case a majority of such company or companies should fail or neglect to attend such meeting;

Which was read and agreed to by the House.

Mr. Wallace of J., from the select committee to which was referred a resolution of the House, on that subject, reported a memorial of the General Assembly of the state of Indiana, relative to the improvement of the navigation of the Ohio river;

Which was read the first time and passed to a second reading.

Mr. Wallace of J., from the select committee to which was referred the bill regulating the taking up of animals going estray, and water-craft and other articles of value adrift, reported the same with sundry amendments;

Which were read and concurred in by the house.

On motion of Mr. Wallace of J.,

The blank in the 8th section, relative to the time when an estray shall be sold, was filled with the words "one year:"

Mr. Dumont moved that said bill be re-committed to a committee of the whole House for to-morrow;

Which motion was decided in the negative.

The said bill was then ordered to be engrossed and read a third time to-morrow.

A message from the Senate by Mr. Morris, their assistant secretary, received on Saturday last, viz:

Mr. Speaker;

The Senate have passed engrossed bills of the Senate, entitled as follows:

"An act authorising the appointment of pilots in the county of Perry," and

"An act for the relief of the subscribers for building the state prison;

In which bills I am instructed to ask the concurrence of the House of Representatives;

The said bills were then severally read the first time and passed to a second reading.

A message from the Senate by Mr. Morris, their assistant secretary;

Mr. Speaker;

The Senate have agreed to the amendment proposed by the House of Representatives, to the bill of the Senate entitled

"An act to change a part of the state road from Mauk's ferry to Indianapolis, and for other purposes, with an amendment, in which I am instructed to ask the concurrence of the House of Representatives;

Which amendment of the Senate was read and agreed to by the House:

Ordered, That the clerk inform the Senate.

Mr. Hillis, after having obtained leave, presented a joint resolution on the subject of the steam-mill, proposed to be erected on the donation near Indianapolis;

Which was read the first time and passed to a second reading.

Mr. Ferris from the committee of revision reported a bill to perpetuate and confirm certain state roads therein named:

Which was read the first and second times, (the rules of the House having first been dispensed with,) when

Mr. Beard moved that said bill be committed to a committee of the whole House for to-morrow;

Which motion was decided in the negative; and then,

On motion of Mr. Beard,

Ordered, That said bill do lie on the table.

Mr. Hillis, from the committee of revision, reported a bill relative to county boundaries;

Which was twice read, (the rules of the House having first been dispensed with,) and committed to a committee of the whole House for to-morrow.

The House then proceeded to consider the orders of the day:

The bill for the relief of John Smith and others;

Was read the second time, and ordered to be engrossed and read a third time to-morrow.

The engrossed bill from the Senate for the re-location of part of a state road from Greencastle in Putnam county, through Rockville, in Parke county, to Newport in Vermillion county; and

The engrossed joint resolution from the Senate, relative to the improvement of a harbor on Lake Michigan;

Were severally read the second time and passed to a third reading to-morrow.

The engrossed bill concerning tenants holding over, and

The engrossed bill to vacate part of a certain state road therein named, and for other purposes,

Were severally read the third time and passed:

Ordered, That said bills be entitled acts, and that the clerk carry them to the Senate and ask their concurrence.

The engrossed bill regulating distress for rent, was read the third time, was amended by unanimous consent;

Which amendment was considered as engrossed and said bill passed.

Ordered, That the same be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

The House resolved itself into a committee of the whole on the bill making an appropriation for procuring a fire engine for the town of Indianapolis, and after some time spent therein, the

Speaker resumed the chair, and Mr. Bence reported the same with sundry amendments;

Which were read and concurred in generally.

The said bill was then ordered to be engrossed and read a third time to-morrow.

And then the House adjourned till two o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

A message from the Senate by Mr. Morris their assistant Secretary:

"Mr. Speaker,

The Senate have passed an engrossed joint resolution for the relief of certain persons therein named, in which I am instructed to ask the concurrence of the House of Representatives.

The joint resolution named in said message was read the first time and passed to a second reading.

The House resolved itself into a committee of the whole, on the bill regulating mill-dams on navigable streams, and after some time spent therein, the speaker resumed the chair and Mr. Bertley reported the same without amendment.

Ordered, That said bill be recommitted to the committee on the judiciary.

The House resolved itself into a committee of the whole on the bill making an allowance to Charles Trowbridge, of Vermillion county, and after sometime spent therein, the speaker resumed the chair, and Mr. Boon reported the same with one amendment;

Which was concurred in by the House.

Mr. Boon then moved to amend said bill, by adding thereto the following as an additional section, viz:

"SEC. —. That Richard Dodd, sheriff of Sullivan county, be allowed the sum of thirty-three dollars, and twenty-five cents, for monies expended in conveying Thomas Blunk and wife and John Allen, from Sullivan county to the state prison;

Which motion was decided in the negative.

Mr. Read of D. and D., then moved that the further consideration of said bill be indefinitely postponed;

Which motion was carried in the affirmative.

The house resolved itself into a committee of the whole on the bill regulating the fees of the several officers and persons therein named, and after some time spent therein, the speaker

resumed the chair, and Mr. Bussell reported progress, and asked leave to sit again;

Which was granted.

And then the House adjourned till nine o'clock to-morrow morning.

WEDNESDAY MORNING, DECEMBER 29, 1830.

The House met pursuant to adjournment.

On motion of Mr. Beard,

The petition of sundry citizens of Parke, Putnam and Montgomery counties, praying a new county, laid on the table yesterday, was taken up, and ordered to be referred to the committee on the judiciary.

Mr. Elliott from the joint committee on enrolled bills reported, that they did, on this day, present to the Governor for his approval and signature, the following joint resolution, entitled

A joint resolution for the benefit of John Rogers.

Mr. Worth from the joint committee on enrolled bills, reported

That they had compared the enrolled with the engrossed bills, joint resolutions and memorials, entitled

An act to amend an act entitled "an act for the relief of the infant heirs of Westley Harrison deceased," approved December 18th, 1830.

An act authorizing asylums in the counties of Wayne, Harrison and Jefferson.

An act for the location and opening a state road from Logansport via Turkey creek and Elkhart prairie to the northern line of the state, in the direction of Pigeon prairie in Michigan territory.

An act to repeal certain acts relative to Gibson county.

An act to incorporate the Wabash Insurance Company.

An act to authorize Jacob Bales to build a toll bridge across Salt creek in Monroe county.

An act to authorize the board of justices of Dubois county to levy an additional tax.

An act to provide for a state road from Terre-Haute in Vigo county via Carlisle to Mount Pleasant in Martin county.

A joint resolution of the General Assembly of the state of Indiana, on the subject of a Land Office to be established in the northern part of said state.

A joint resolution relative to an appropriation of land to aid in the improvement of the state road from Madison to Indianapolis.

A joint resolution relative to purchasers of public lands.

A joint resolution of the General Assembly of the state of Indiana, directing the Secretary of State to deliver certain public documents to the board of trustees of Indiana College.

A joint resolution of the General Assembly of the state of Indiana, relative to the Indians and Indian lands within the state.

A memorial of the General Assembly of the state of Indiana to the Senate and House of Representatives of the United States in Congress assembled.

A memorial of the General Assembly of the state of Indiana on the continuation of the construction of the Cumberland road.

A memorial to the Congress of the United States on the subject of asylums, and for lands to construct them;

And found the same truly enrolled.

On motion of Mr. Finley,

The petition of David Branson and others, for a new county, laid on the table on the 17th instant, was taken up and referred to a select committee:

Ordered, That Messrs. Finley, Holman, Bell and Semans, be that committee.

On motion of Mr. Beard,

Mr. Brown was added to the committee of ways and means.

On motion of Mr. Hankins,

The petition of Horatio N. Burgoyne and others praying that a part of Franklin county may be attached to Fayette, laid on the table on the 11th instant, was taken up and referred to a select committee.

Ordered, That Messrs. Hankins, Reid of F. and Hoover be said committee.

On motion of Mr. Russell,

Mr. Crume was added to the committee on the affairs of the town of Indianapolis.

Mr. Reid of F. presented a remonstrance of sundry citizens of Posey township in Franklin county, and another of sundry citizens of said county, against being attached to Fayette county;

Which were read and referred to the same select committee to which the petition on that subject was this day referred.

Mr. Pitcher, from the judiciary committee, made the following report:

"The judiciary committee to whom was referred a resolution instructing them to enquire into the expediency of appropriating fines assessed and collected by justices of the peace to the use of schools in the several congressional townships in which the same were assessed, have had the same under consideration, and have ordered me to report:

That the Constitution has expressly provided that all fines, assessed for a breach of any of the penal laws of this state, shall be applied to the use of county seminaries, and that a law making any other disposition of said fines would be unconstitutional and void;"

Which was read and concurred in.

Mr. Herod from the committee on the judiciary, to which was referred the bill respecting free negroes and mulattoes, servants and slaves, reported the same with three amendments;

Which were read and concurred in; when

On motion of Mr. Boon,

The vote taken on concurring in the first amendment was reconsidered, and before the question was put on concurring therein,

Mr. Kinney moved to lay said bill and proposed amendment on the table;

Which was carried in the affirmative.

Mr. Russell from the committee on the affairs of the town of Indianapolis, to which was referred the bill providing for the building of a State House, reported the same with an amendment;

Which was read and concurred in.

The said bill was then committed to a committee of the whole House for to-morrow.

Mr. Pollock from the committee on roads, to which was referred the petition of Ephraim Goss and others, praying an investigation of a bridge contract in Owen county, reported that they have had the same under consideration, and are of opinion that it is inexpedient to legislate on that subject at this time;

Which was read, and

On motion of Mr. Galletely,

Ordered to lie on the table.

Mr. Pollock from the committee on roads, to which was referred the petition of Robert Douglass and others, reported a bill to relocate part of a state road leading from Fort Wayne

in Allen county, in the direction of Fort Defiance in the state of Ohio;

Which was read the first time and passed to a second reading.

A message was received from the Governor, by Mr. Heylin his private secretary, notifying that he did, on this day, approve sign and file in the office of the Secretary of State, a joint resolution for the benefit of John Rodgers.

Mr. Long, from the select committee to which was referred a resolution of the House, relative to the apportionment of Senators and Representatives, reported a bill for the apportionment of Senators and Representatives to the General Assembly;

Which was read the first and second times (the rules of the House having first been dispensed with) when

Mr. Lowry moved to amend said bill, by striking it out from the enacting clause, which reads in the words following, to wit:

"That for the purpose of electing Senators to the General Assembly of the state of Indiana, for the ensuing five years, the state shall be, and the same is hereby divided into districts as follows, to wit: The counties of Posey, Vanderburgh and Warrick, shall form one district; the counties of Spencer, Perry and Crawford, one district; the counties of Gibson, Pike and Dubois, one district; the counties of Knox, Daviess and Martin, one district; the county of Harrison one district; the counties of Floyd and Clark, one district; the counties of Jefferson and Jennings, one district; the counties of Switzerland and Ripley, one district; the county of Dearborn, one district; the county of Franklin, one district; the counties of Fayette and Union, one district; the county of Wayne, one district; the counties of Randolph, Delaware, Allen and Cass and the country north and Elkhart and St. Joseph, one district; the counties of Madison, Hancock, Henry and Hamilton, one district; the county of Rush, one district; the county of Washington, one district: the counties of Jackson, Bartholomew and Scott, one district; the counties of Johnson and Marion, one district; the counties of Orange and Lawrence, one district; the counties of Monroe, Owen and Green, one district; the counties of Morgan, Boon and Hendricks, one district; the counties of Sullivan, Vigo and Clay, one district; the counties of Putnam and Montgomery, one district; the counties of Parke and Vermillion, one district; the counties of Fountain and Warren, one district; the counties of Tippecanoe, Carroll and Clinton, one district: the counties of Decatur and Shelby, one district; and each of the said districts shall be entitled to one senator.

SEC. 2. That for the purpose of electing representatives to the General Assembly, for the ensuing five years, the state shall be divided as follows, to wit: the counties of Wayne and Dearborn, shall each be entitled to three representatives; the counties of Clark, Washington, Harrison, Jefferson, Putnam, Montgomery, Parke, Vermillion, Tippecanoe and Fountain, each to two representatives; the counties of Posey, Gibson, Crawford, Floyd, Jennings, Switzerland, Ripley, Franklin, Rush, Johnson, Marion, Monroe, Owen, Green, Decatur, Shelby, Morgan, Warren, Henry, Bartholomew and Sullivan, each to one representative; the counties of Vanderburgh and Warrick, to one representative; the counties of Spencer and Perry to one representative; the counties of Pike and Dubois, to one representative; the counties of Hendricks and Boon to one representative; the counties of Carrol and Clinton to one representative; the counties of Randolph and Delaware to one representative; the counties of Allen, Elkhart, St. Joseph and Cass to one representative; the counties of Fayette and Union, each to one representative, and one additional representative, to be elected each year alternately, by one of said last named counties, commencing in said county of Fayette; the county of Madison, Hancock and Hamilton to two representatives, as follows: the first year Hamilton one, and the counties of Hancock and Madison to one; the next year Hancock one; and the counties of Hamilton and Madison one; the third year Madison one; and the counties of Hancock and Hamilton one, and so on alternately for every succeeding year; the counties of Jackson and Scott to one representative; the counties of Orange and Lawrence, each to one representative, and one additional representative to be elected each year alternately, by one of said last named counties, commencing in said county of Lawrence; the county of Knox to one representative; the counties of Daviess and Martin to one representative; and one additional representative to be elected each year, alternately, by one of said last named counties—commencing in the county of Knox: *Provided*, That whenever it falls to the lot of said counties of Daviess and Martin to have two representatives, the county of Martin shall have one, and that of Daviess the other; the counties of Vigo and Clay to one representative.

This act shall take effect and be in force from and after its publication."

And inserting in lieu thereof the following, viz:

"That for the purpose of electing senators to the General Assembly of the state of Indiana, for the ensuing five years, the

state be, and the same is hereby divided into senatorial districts, as follows, to wit:

- The county of Wayne one;
- “ “ Union and Fayette one;
- “ “ Marion and Hamilton one;
- “ “ Madison, Hancock and Henry one;
- “ “ Randolph, Delaware, Allen, Elkhart and St. Joseph one;
- “ “ Franklin, Harrison, Jefferson, Dearborn, Washington, Rush and Putnam, one district each;
- “ “ Posey, Vanderburgh and Warrick one;
- “ “ Switzerland and Ripley one;
- “ “ Decatur and Shelby one;
- “ “ Jackson, Jennings and Scott one;
- “ “ Bartholomew and Johnson one;
- “ “ Clark and Floyd one;
- “ “ Monroe, Owen and Green one;
- “ “ Morgan, Hendricks and Boon one;
- “ “ Gibson, Pike and Dubois one;
- “ “ Crawford, Perry and Spencer one;
- “ “ Orange and Lawrence one;
- “ “ Knox, Daviess and Martin one;
- “ “ Vigo, Sullivan and Clay one;
- “ “ Park and Vermillion one;
- “ “ Fountain and Warren one;
- “ “ Montgomery and Clinton one;
- “ “ Tippecanoe, Carroll and Cass one;

And each of said districts shall be entitled to one Senator.

Sec. 2. That for the purpose of electing Representatives to the General Assembly for the ensuing five years, the state shall be divided as follows, to-wit:

The county of Wayne and Dearborn shall each be entitled to four Representatives; Clark three; Washington, Jefferson, Harrison, Franklin, Fayette, Union, Parke, Putnam, Rush, Knox, Vermillion, Switzerland and Fountain, two Representatives each:

The counties of Orange and Lawrence to have three Representatives, two to be elected from Lawrence and one from Orange the first year, after that to change alternately every year:

The counties of Marion, Henry, Posey, Ripley, Decatur, Shelby, Scott, Jennings, Jackson, Bartholomew, Johnson, Floyd, Monroe, Owen, Green, Morgan, Gibson, Crawford, Sullivan, Vigo, Clay, Daviess, Hendricks and Martin, one Representative each:

The counties of Hamilton and Boon, one representative; Madison and Hancock, one; Vanderburgh and Warrick one; Pike and Dubois, one; Spencer and Perry one; the county of Tippecanoe, two; the counties of Carroll and Cass, one representative; Montgomery and Clinton two; the counties of Randolph and Delaware, one representative; Allen St. Joseph and Elkhart, one representative; and the county of Warren, one representative."

Before the question was put thereon, Mr. Pitcher moved that said bill be committed to a committee of the whole House for to-morrow;

Which motion was decided in the negative.

Mr. Ferris then moved that said bill be committed to a committee of the whole House; and the ayes and noes being required by two members on said question to commit;

Those who voted in the affirmative are,

Messrs. Armstrong, Bentley, Boon, Casey Coffin, Craig, Dowden, Ferris, Hamilton, Hendricks, Levenworth, Logan, Lynd, M'Pheeters, Owens, Paddacks, Parks, Pitcher, Schoonover, Worth, Zenor, and Howk, Speaker—22.

And those who voted in the negative, are,

Messrs. Beard, Bell, Bence, Brown, Russell, Claypool, Crume, Decker, Dumont, Elliott, Finley, Galletel, Gardner, Hall, Hankins, Herod, Hillis, Holman, Hoover, Kinney, Lane, Long, Lowry, M'Nary, Pollock, Read of D. and M., Reid of F., Reiley, Roe, Russell, Semans, Skeen, Smiley, Soper, Stewart, Wallace of F., Wallace of J., Work, and Wright,—39;

And so said motion was decided in the negative.

Mr. Boon then moved so to amend said bill, as that the counties of Gibson, Posey and Vanderburgh, shall form one senatorial district, and each be entitled to one representative;

That the counties of Pike, Dubois, Warrick, Spencer and Perry, shall form one senatorial district;

That the counties of Harrison and Crawford, shall form one senatorial district;

That Harrison county shall be entitled to two representatives; Crawford county to one representative; Warrick and Spencer counties to one representative, and Pike, Dubois and Perry counties, to one representative;

Which motion was decided in the negative;

The question then recurring on the amendment proposed by Mr. Lowry, and a division of the question being called for, it was put on striking out, and the ayes and noes being required thereon by two members.

Those who voted in the affirmative, are,

Messrs. Armstrong, Beard, Bell, Boon, Brown, Bussell, Claypool, Craig, Crume, Decker, Dumont, Elliott, Finley, Gardner, Hall, Hankins, Herod, Hillis, Holman, Hoover, Kinney, Long, Lowry, McNary, Owens, Pollock, Reid of F., Russell, Semans, Skeen, Smiley, Stewart, Wallace of F., Wallace of J., Worth and Wright—36.

And those who voted in the negative, are,

Messrs. Bence, Bentley, Casey, Coffin, Dowden, Ferris, Galletely, Hamilton, Hendricks, Lane, Levenworth, Logan, Lynd, McPheeters, Paddacks, Parks, Pitcher, Read of D. and M., Reiley, Roe, Schoonover, Soper, Work, Zenor, and Howk, Speaker—25.

And so said motion was carried in the affirmative.

The question then recurring on inserting the words proposed by Mr. Lowry, and the ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Beard, Bell, Boon, Brown, Bussell, Casey, Claypool, Craig, Crume, Dumont, Elliott, Finley, Galletely, Gardner, Hall, Hankins, Herod, Hillis, Holman, Hoover, Kinney, Lane, Levenworth, Long, Lowry, McNary, Pollock, Read of D. and M., Reid of F., Reiley, Russell, Semans, Skeen, Smiley, Soper, Stewart, Wallace of F., Wallace of J., Worth and Wright—41.

And those who voted in the negative, are,

Messrs. Bence, Bentley, Coffin, Decker, Dowden, Ferris, Hamilton, Hendricks, Logan, Lynd, McPheeters, Owens, Paddacks, Parks, Pitcher, Roe, Schoonover, Work, Zenor, and Howk, Speaker—20.

And so said motion was carried in the affirmative.

Mr. Logan then moved further to amend said bill so as to provide that the county of Washington shall be entitled to three representatives;

Which motion was decided in the negative:

Mr. Pitcher moved further to amend said bill, so as to provide that the counties of Spencer and Perry shall be entitled to one representative each;

Which motion was decided in the negative:

Mr. Semans moved to amend said bill, so as to provide that Randolph county shall be entitled to one representative; and

Delaware county, and the territory thereto attached, to one representative;

Which motion was decided in the negative:

Mr. Parks moved to amend said bill so as to provide that the counties of Lawrence and Orange shall each be entitled to two representatives;

Which motion was decided in the negative:

Mr. Kinney then moved further to amend said bill, by adding the following as an additional section, viz:

"Sec. And when hereafter, within five years, any representative district having one representative, shall contain seventeen hundred polls, the number to be ascertained as now provided by law; such district shall be entitled to one additional representative. And whenever within five years, the number of polls in any senatorial district, shall amount to four thousand, to be ascertained as aforesaid, said senatorial district shall be entitled to an additional senator;"

Which motion was decided in the negative.

Mr. Bence moved further to amend said bill by striking out so much of the second section thereof, as relates to the counties of Clark and Floyd, and inserting in lieu thereof, the following:

"That the county of Clark be entitled to two representatives, and Floyd, one, and an additional one to be elected alternately from said counties, beginning with Floyd;"

Which motion was decided in the negative.

Mr. Parks moved to amend said bill by striking out so much of the second section as relates to the alternate representatives from the counties of Lawrence and Orange, and inserting in lieu thereof, the following:

"The county of Lawrence shall have the third representative two years in succession, and Orange one year, and so on;"

Which motion was decided in the negative.

Mr. Logan then moved that said bill be laid on the table;

Which motion was decided in the negative.

Mr. Hendricks moved to amend said bill, so as to allow the counties of Shelby and Decatur, three representatives;

Which motion was decided in the negative.

Mr. Russell moved to amend the same, so as to allow to Marion county, two representatives;

Which motion was decided in the negative.

Mr. Galletely moved to amend the same, so as to provide that the counties of Monroe, Owen and Green, shall be entitled to four representatives, viz: one representative each, and an additional one to be elected alternately, commencing with the county of Monroe;

Which motion was decided in the negative.

Mr. Pitcher moved further to amend the same by striking out so much of the second section as relates to the counties of Crawford, Spencer, and Perry, and inserting in lieu thereof, the following:

That the counties of Crawford and Perry shall be entitled to one representative, and the county of Spencer to one representative;"

Which motion was decided in the negative.

Mr. Russell moved further to amend the bill by striking out of the second section so much as relates to the counties of Marion and Hamilton, and inserting in lieu thereof, the following words: "that the counties of Marion and Hamilton shall be entitled to two representatives;"

Which motion was decided in the negative:

The question then being put,

"Shall the bill be engrossed and read a third time to-morrow?" and the ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Beard, Bell, Boon, Brown, Bussell, Casey, Claypool, Crume Decker, Dumont, Elliott, Finley, Gardner, Hall, Hankins, Herod, Hillis, Holman, Hoover, Kinney, Lane, Levenworth, Long, Lowry, McNary, Pollock, Read of D. and M., Reid of F., Reiley, Russell, Skeen, Smiley, Soper, Stewart, Wallace of F., Wallace of J., Worth and Wright—39.

And those who voted in the negative, are,

Messrs. Bence, Bentley, Coffin, Craig, Dowden, Ferris, Galletely, Hamilton, Hendricks, Logan, Lynd, McPheeters, Owens, Paddacks, Parks, Pitcher, Roe, Schoonover, Semans, Work, Zenor, and Howk, Speaker—22.

And so said motion was carried in the affirmative.

Mr. Coffin from the select committee to which was referred the petition of Nicholas Springer, and others, reported a bill repealing part of an act declaring Lick creek a navigable stream, approved January 22nd, 1829;

Which was read the first time and passed to a second reading.

Mr. Ferris from the committee of revision, reported a bill regulating grist-mills and millers;

Which was read the first time and passed to a second reading.

Mr. Parks from the select committee to which was referred the petition of sundry citizens of Lawrence county on that subject, reported a bill to incorporate the Lawrence county seminary;

Which was twice read, (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time to-morrow.

And then the House adjourned till 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Bence from the select committee to which was referred the bill to establish public fairs, reported the same with an amendment, viz: By confining its provisions to the county of Floyd;

Which was read and concurred in.

Mr. Dumont then moved to amend said bill by adding the following, viz:

"That there shall be two fairs in each year, in the county of Switzerland, for the sale and exchange of the various agricultural products of said county, to be holden at the county seat, on such days and times as the board doing county business for said county, may direct; of which time it shall be the duty of said board to give three weeks public notice, previous to said meetings in some public newspaper, if any be published in said county: if no paper be published in said county, then three weeks public notice by three written advertisements, to be put up at three of the most public places in said county.

There shall be no tax, toll or duty, to be paid by either buyer or seller at any such fair in the county of Switzerland.

This act to take effect from and after its publication in the Indiana Journal."

Which motion was carried in the affirmative.

The said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Hamilton from the select committee to whom was referred a resolution of this House directing an enquiry into the expediency of authorising the boards doing county business through which any navigable streams may run, to district the same and appoint supervisors and hands thereon for the purpose of improving the navigation thereof, reported that they have

had the same under their consideration, and are of opinion that it is inexpedient to legislate on that subject at this time;

Which was read and concurred in by the House.

Mr. Ferris from the select committee to which was referred the petition of Jeremiah Finney and others, reported a bill to incorporate the Lawrenceburgh bridge company;

Which was read the first time and passed to a second reading.

Mr. Hamilton moved the following resolution:

Resolved, That the committee on the affairs of the town of Indianapolis, be instructed to enquire into the expediency of so changing the plat of the town of Indianapolis, as to make the Governor's circle, the state-house circle, and the state-house square, the governor's square, with leave to report by bill or otherwise;

And on the question to adopt the same,

It was decided in the negative.

Mr. Galletely moved the following resolution:

Resolved, That the committee on the judiciary be instructed to enquire into the justness and propriety of so amending the law relative to arbitration, that when any two citizens agree to refer any subject matter of dispute between them to one, two or more arbitrators, the decision shall be final to all intents and purposes;

And on the question to adopt the same,

It was decided in the negative.

Mr. Pitcher moved the following resolution:

Resolved, That the committee on military affairs, be instructed to enquire into the expediency of abolishing the regimental muster in the 27th regiment of militia, with leave to report by bill or otherwise;

And the question being put on its adoption,

It was decided in the negative.

On motion of Mr. Decker,

Resolved, That the committee on military affairs be instructed to enquire into the expediency of taking into consideration that part of the Governor's message that refers to the exemption of all persons forty years of age and upwards, from doing military duty, also, not to have more than one muster in a year (to wit: regimental) except volunteer corps which may have their own bye-laws for self-government.

Mr. Wallace of F., after having obtained leave, presented a remonstrance of sundry citizens of Franklin county, against attaching part of said county to Fayette;

Which was read and referred to the same select committee; to which a petition and former remonstrances on that subject is referred.

On motion of Mr. Ferris,

The bill to perpetuate and confirm certain state roads therein named, laid on the table yesterday, was taken up.

Mr. Ferris moved to amend the same by striking out the words "via Crook's mills" in the 115th section which reads in these words: "the road from Crawfordsville via Crook's mill to Perrysville, thence to a point dividing the states of Indiana and Illinois, where a state road from Fort Clarke to Danville in Illinois, crosses the same; established by an act approved 23rd January 1829, and the appropriation thereto made, of three hundred dollars, by an act approved 9th January 1830;" and by inserting after the words "23rd January 1829," these words "and the act approved 29th January, 1830;"

Which motion was carried in the affirmative.

On motion of Mr. Wallace, of F.,

Ordered, That said bill do lie on the table.

The House then proceeded to consider the orders of the day:

The bill to consolidate the towns therein named, and

The memorial of the General Assembly of the state of Indiana, relative to the improvement of the Ohio river;

Were severally read the second time and ordered to be engrossed and read a third time to-morrow.

The joint resolution on the subject of the steam mill proposed to be built on the donation near Indianapolis;

Was read the second and third times (the rules of the House having first been dispensed with) and passed.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence.

The engrossed bill from the Senate authorising the appointment of pilots in the county of Perry;

Was read the second time, when

Mr. Lane moved that the further consideration thereof, be indefinitely postponed;

Before the question was put on said motion,

Mr. Pitcher moved to lay the said bill on the table;

Which motion was decided in the negative;

The question then recurring on the motion of Mr. Lane to postpone the same indefinitely; it was carried in the affirmative.

The engrossed bill from the Senate for the relief of the subscribers for building the state prison,

Was read the second time and committed to a committee of the whole house for to-morrow;

The engrossed joint resolution from the Senate, for the relief of certain persons therein named,

Was read the second time and ordered to lie on the table.

An engrossed bill and joint resolution from the Senate of the following titles, to-wit:

An act to provide for the re-location of part of a state road leading from Green Castle in Putnam county, through Rockville in Parke county to Newport in Vermillion county; and

A joint resolution relative to the improvement of a harbour on Lake Michigan,

Were severally read the third time and passed.

Ordered, That the clerk inform the Senate.

Engrossed bills of the House of the following titles, to-wit:

A bill making an appropriation for procuring a fire engine for the town of Indianapolis,

A bill for the relief of John Smith and others, and

A bill regulating the taking up of animals going estray, and water-craft and other articles of value adrift,

Were severally read the third time and passed:

Ordered, That the same be entitled acts, and that the clerk carry them to the Senate and ask their concurrence.

The House again resolved itself into a committee of the whole on the bill regulating the fees of the several officers and persons therein named, and after some time spent therein, the Speaker resumed the chair, and Mr. Brown reported the same with sundry amendments;

Which were read and concurred in generally.

The said bill was then ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Long,

The committee of the whole, to which was committed the bill establishing a state road from Connersville to Knightstown, was discharged from the further consideration thereof.

Mr. Bussell then moved that the further consideration thereof be postponed indefinitely;

Which motion was decided in the negative.

Mr. Bussell moved to amend said bill, by inserting therein, after the words "Philpot's mill," in the first section, these words, "and Smelser's mill," so as to make said last named mill a point in the road;

Which motion was decided in the negative.

The said bill was then ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Long,

The committee of the whole to which was committed the bill to locate a state road from Connersville in Fayette county to Louisville in Henry county, was discharged from the further consideration thereof, when

Mr. Bussell moved that said bill be laid on the table;

Which motion was carried in the affirmative.

And then the House adjourned till nine o'clock to-morrow morning.

THURSDAY MORNING, DECEMBER 30, 1830.

The House met pursuant to adjournment.

Mr. Elliot from the joint committee on enrolled bills, reported that they did on this day, present to the Governor for his approval and signature, the following enrolled bills, joint resolutions and joint memorials, to-wit:

An act to authorise Jacob Bales to build a toll bridge across Salt creek in Monroe county;

An act to provide for a state road from Terre-Haute, in Vigo county, *via* Carlisle to Mount Pleasant, in Martin county.

An act to repeal certain acts relative to Gibson county.

An act to authorise the board of justices of Dubois county to levy an additional tax.

An act for the location and opening a state road from Logansport *via* Turkey creek and Elkhart prairie, to the northern line of the state, in the direction of the Pigeon prairie in Michigan Territory.

An act to incorporate the Wabash Insurance Company.

An act authorising asylums in the counties of Wayne, Harrison and Jefferson.

An act to amend an act, entitled an act for the relief of the infant heirs of Westley Harrison, deceased, approved December 18, 1828.

A joint resolution of the General Assembly of the state of Indiana, directing the secretary of state to deliver certain documents to the board of trustees of the Indiana college.

A joint resolution relative to purchasers of public lands.

A joint resolution of the General Assembly of the state of Indiana, relative to the Indians and Indian lands within the state.

A joint resolution relative to an appropriation of land to aid in the improvement of the state road from Madison to Indianapolis.

A joint resolution of the General Assembly of the state of Indiana, on the subject of a Land Office to be established in the northern part of said state.

A memorial to the Congress of the United States on the subject of asylums, and for lands to construct them;

A memorial of the General Assembly of the state of Indiana on the continuation of the construction of the Cumberland road.

A memorial of the General Assembly of the state of Indiana to the Senate and House of Representatives of the United States in Congress assembled.

Mr. Hoover presented a petition of John Martindale and others praying the location of a state road from Washington in Wayne county to New-Castle in Henry county;

Which was read and referred to the committee on roads.

Mr. Hankins presented a petition of Jacob Smith and others praying a road from Connersville in Fayette county to Louisville in Henry county;

Which was read and ordered to lie on the table.

Mr. Bell presented a petition of sundry citizens of Madison county, praying an act to authorize David Williams to continue his mill-dam at its present height across the west fork of White river, on the N. E. quarter of Sec. 18, in town 19, N. of range 8, E., in said county;

Which was read and referred to a select committee of Messrs. Bell, Long and Worth.

Mr. Wallace of F. presented a petition of Peter Vanety, sen. and others praying an act to enable the inhabitants of the congressional township No. 9, in Range one west, in Franklin county, to lease the school section in said township, for ninety-nine years;

Which was read, and referred to the committee on education.

Mr. Pitcher from the committee on the judiciary to which was referred the petition of Jonathan Woodbury, praying articles of impeachment against sundry officers of Dearborn county, reported that they have had the same under consideration, and not having had any evidence before them to authorise the impeachment of any of the officers against whom the petitioner

complaints, deem it inexpedient further to investigate the subject;

Which report was read and concurred in.

Mr. Pitcher from the same committee to which was referred a resolution of the House instructing them to inquire into the expediency of so amending the law regulating probate business as to allow of appeals from the probate to the circuit court; reported the following resolution:

Resolved, That the committee of revision be instructed to incorporate into the law defining the powers and regulating the duties of probate courts, an amendment providing for the appeals from said probate courts to the circuit courts.

Mr. Dumont moved to amend said resolution by adding thereto a proviso that no trial of such appeal shall be had in the circuit court, in the absence of the president judge thereof;

Which motion was carried in the affirmative,

The resolution as amended was then agreed to by the House.

Mr. Kinney from the committee on the judiciary, to which was referred a resolution of the House on that subject, reported a bill to authorize special sessions of the circuit court;

Which was read the first time, and passed to a second reading.

A message was received from the Governor by Mr. Heylin his private secretary, notifying,

That he did, on this day, approve and sign the following acts:

An act to incorporate the Wabash Insurance Company.

An act to repeal certain acts relative to Gibson county.

An act for the location and opening a state road from Loansport via Turkey creek and Elkhart prairie to the northern line of the state, in the direction of Pigeon prairie in Michigan territory.

An act authorizing asylums in the counties of Wayne, Harrison and Jefferson.

An act to amend an act entitled "an act for the relief of the infant heirs of Westley Harrison deceased."

Mr. Dumont from the committee on the affairs of the state prison, made the following report;

Which was read and concurred in by the House, viz:

"The committee on the affairs of the state prison, to whom was referred a resolution of this House requiring them to report,

1. What number of convicts there are at this time in the

penitentiary, and what number of males and females, white and coloured.

2. The nature of the crimes for which they were severally committed.

3. What is their treatment? does there exist any just cause of complaint on their part?

And to whom was referred the reports of the Governor and Secretary of State, in answer to resolutions of this House, calling on them for information respecting the concerns of the state prison, report as follows:

That they have carefully examined the matters submitted to them, and find that there were, on the thirty-first day of October last, thirty-four prisoners in the state prison, thirty-three of whom are males and one female, twenty are white and fourteen are coloured; five of whom were convicted of burglary, three of manslaughter, seventeen of larceny, three of grand larceny, two of rape, one of assault and battery with intent to commit murder, one of passing counterfeit money, one of felony, one of arson and one of forgery. One of said prisoners is eleven years of age, one is fourteen years of age, one is sixteen years of age, one is seventeen years of age, two are eighteen years of age, one is nineteen years of age, three are twenty years of age and four are twenty-one years of age, and several others are between the ages of twenty-one and twenty-five years.

As to the third enquiry, "What is their treatment? does there exist any just cause of complaint on their part?"—

Your committee beg leave to say, that they have not been enabled to learn any thing as to the state of the prisoners. As there is no absolute law requiring the appointment of visitors to the state prison, it being altogether optional with the Governor, his Excellency has not thought it necessary to make appointments for that purpose, inasmuch as no complaints have reached his ears, and because he was fearful such appointment would make an unnecessary expense to the state.

Your committee conceive the law altogether defective, which places the state prisoners in the hands of any person, who has the strong inducement of interest to oppress them, without also creating some manner of discovering their ill treatment, if any should exist. The discipline of the prison is altogether under the control of the superintendent. Though we have no reason to suspect the present superintendent of misusing the power, placed in his hands, yet we are of opinion, that the law should throw some guards around the unhappy convicts, so that should they at any future time be placed in the hands of crue-

and mercenary men, their condition will not be more miserable than it must necessarily be, by confinement, labor and disgrace. We do not think that thieves and manslayers, and such as disregard the laws of God and man, ought to be pampered with luxuries or supported in idleness; but all history tells us that unlimited and uncontrolled power, has in all ages produced the grossest oppression. Where avarice has been the ruling passion, all bounds have been overleaped to gratify its cravings. Where no bounds or limits whatever (save that of taking life) exist to control the will of an individual, who has a number of his fellow creatures within his power, upon whom the check of public opinion can have no bearing, because the public must remain ignorant of his oppressions—there is danger of abuses of the most appalling character.

Our present law authorises the Governor to institute enquiries; but it does not make it obligatory on him to do so, neither does the law authorise any visitor to hold conversations with prisoners, apart from their keepers or overseers, so that were even monthly visitors appointed by the Governor, they could obtain but an imperfect knowledge of the treatment of the prisoners, who might be under the fear of corporal chastisement or partial starvation, if they would disclose any ill treatment to which they were subject. No provision is made by the law to improve their morals. No provision is made to furnish them with the holy scriptures, or to secure to them the uninterrupted exertions of the pious and benevolent to give them instructions on the sabbath day.

It is an opinion but too current in our country, that our prisons are the schools for vice, and that each prisoner comes out with an augmented stock of materials, to enable him to commit depredations on society. If this evil is attendant on our prison system, it is one that calls loudly for redress.

Though it may be doubtful whether the old and hardened offender can, with any discipline, be reclaimed, yet such offenders should not be permitted to diffuse their poisonous principles, to prevent the reformation of others, who are novices in guilt.

It should not be forgotten that a portion of the convicts are inexperienced youths, who have never had the advantages of education or the benefit of pious or moral examples, "to lead them in the way they should go." Measures then should be taken to prevent the association of prisoners, further than is necessary in the performance of their labors, and to prevent their holding conversations together, in order that meditation may fill up the spaces of time that would be otherwise employed in re-

tating and listening to captivating tales of enterprising villainy, or teaching them the "highways and bye-ways" of dishonesty.

Therefore your committee recommend the adoption of the following resolution, viz:

That the seventh section of the state prison law be repealed; and that the revising committee be instructed to incorporate in the act, for the better management of the state prison, and for the other purposes, the substance of the following provisions, viz:

1. That it shall be the duty of the Governor, yearly, in the month of February, to appoint some suitable person, resident in the county of Clark, or the county of Floyd, and who does not reside in the town of Jeffersonville or its vicinity, as a visitor of the state prison, who shall be paid fifty dollars per annum out of the state treasury, for his services.

2. It shall be the duty of such visitor, to visit the prison at least once in each month and examine whether there be any violation of the existing laws, at the time of such examination; for the more effectual performance of which he shall have the right to examine into all and particularly, the concerns, books and departments of said prison, with full power to send for men and papers and books, to swear witnesses and take down evidence, to examine the prisoners collectively or separately, without any keeper, agent, or superintendent being present at such examination, and to make a correct entry of all the information he can obtain, whether by oath or otherwise, in a book to be kept by him for that purpose; at any of which examinations the Governor may be present, if he chooses.

3. Said visitor shall once in six months at least, and as often as there is any cause of complaint, certify to the Governor, a minute detail of all the regimen, discipline, food, apparel, labor, punishments, care of the sick, cleanliness, or the want of it, bedding, lodging, instruction and every other thing mentioned by the law, or that said visitor may deem worthy of observation, appertaining to said prison or the prisoners, as near as he has been able to satisfy himself of the same, together with the sources of his information.

4. It shall be the duty of the superintendant to purchase, at the lowest wholesale price, from time to time, a sufficient number of the cheapest well bound bibles and testaments, to supply the prisoners that are in said prison, or that may be likely to be therein, in the space of one year after such purchase; and each prisoner that is in prison, who can read, shall be presented with a bible and testament, and each prisoner that may be committed hereafter, that can read, shall be immediately pre-

presented with a bible and testament, and each prisoner that may learn to read in the prison, shall immediately thereafter be presented with a bible and testament; which books shall become the absolute property of the prisoners, on their discharge from said prison.

5. That on Sabbath days it shall be the duty of the superintendant to suffer preachers of the gospel of any Christian denomination to preach to the prisoners at such hours as not to interfere with any sabbath-school regulation within such prison.

6. That it shall be the duty of the superintendant, to suffer such religious and philanthropic persons, as may offer their services, and whom he believes to act from pure and disinterested motives, to come into the prison on the Sabbath days, to teach the prisoners to read and to instruct them in a knowledge of the scriptures, and to distribute among them religious tracts and other religious books; which tracts and books shall first be inspected by the superintendant, and be by him approved, before they can be given to the prisoners.

7. It shall be the duty of the superintendant, so soon as practicable, to procure to be made a sufficient number of comfortable cells, at the expense of the state, at a reasonable price; and each prisoner shall, during each night, be kept separate from all others, and shall not be permitted to speak to other prisoners, during the night; and it shall be a part of the prison discipline, that all conversation, between the prisoners, shall be prohibited as far as is practicable during the day, and the time they are engaged at labor or at their meals.

Said act, with these amendments, to be in force from and after its passage.

Mr. Pollock from the committee on roads to which was referred the petition of Thomas Hinckson and others, reported a bill to open a part and to relocate a part of Mauks ferry state road;

Which was read the first time, and passed to a second reading.

Mr. Bussell from the select committee to which was referred a resolution of the House on the subject of estrays, reported a bill to amend an act, entitled an act regulating the taking up of animals going estray, approved January 7th, 1824;

Which was read the first time and passed to a second reading.

Mr. Hoover from the select committee to which was referred the petition of Austin Davenport and others, reported a bill for the re-location of the county seat of Boon county;

Which was read the first time and passed to a second reading.

Mr. Ferris from the committee of revision, reported a bill to provide for the partition of real estate;

Which was twice read, (the rules of the House having first been dispensed with,) and committed to a committee of the whole House for to-morrow.

Mr. Wallace of F., from the committee of revision, reported a bill for assessing and collecting the revenue;

Which was twice read, (the rules of the House having first been dispensed with,) and committed to a committee of the whole House for to-morrow.

Mr. Smiley from the select committee to which was referred the petition of sundry citizens of Johnson county, reported a bill changing part of the Mauks ferry state road;

Which was read the first time and passed to a second reading.

On motion of Mr. Boon,

Mr. Brown and Mr. Lane were added to the committee on canals and internal improvements.

Mr. Bussell moved the following resolution:

Resolved, That a select committee be appointed to inquire into the expediency of authorising any officer who may hereafter have any property under execution after giving legal notice of the day of sale, to sell the same on a credit of three months, by the purchasers giving bond and approved security, which amount, if not paid at the expiration of three months, the said purchaser's property to be subject to execution and sale without stay or further litigation;

Which was read, and

The ayes and noes being required by two members on the question of its adoption,

Those who voted in the affirmative, are,

Messrs. Bussell, Craig, Dumont, Herod, Russell, and Stewart—6.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bell, Bence, Bentley, Boon, Brown, Casey, Claypool, Coffin, Crume, Decker, Dowden, Elliott, Ferris, Finley, Galletely, Hamilton, Hankins, Hendricks, Hillis, Holman, Hoover, Kinney, Lane, Levenworth, Logan, Long, Lowry, Lynd, McPheeters, Owens, Paddacks, Parks, Pollock, Read of D. and M., Reid of F., Reiley, Ree, Schoon-

over, Semans, Skeen, Smiley, Soper, Wallace of P., Wallace of J., Work, Worth, Wright, Zenor, and Howk, Speaker—51.
And so said resolution was not adopted.

Mr. M'Nary moved the following resolution:

Resolved, That the committee on roads be instructed to enquire into the propriety of compelling every free male person of color, over the age of twenty-one years, to work two days in each year for personal privileges;

Which was read, and

On the question to adopt the same,

It was decided in the negative.

And then the House adjourned till two o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

A message from the Senate by Mr. Morris their assistant Secretary:

"Mr. Speaker,

The Senate have passed bills from the House of Representatives, entitled as follows:

"An act for the relief of the collector of Fayette county, and

"An act for the relief of the purchasers of out-lots in the town of Indianapolis."

The first named bill without, and the latter with an amendment.

They have also passed bills originating in the Senate, entitled as follows:

"An act subjecting real and personal estate to execution;"

"An act authorising the appointment of constables and defining their duties;" and

"An act for the prevention of frauds and perjuries."

Also, memorials and a joint resolution entitled as follows:

"A memorial and joint resolution on the subject of M'Arthur's Island;" and

"A memorial of the General Assembly of the state of Indiana; on the subject of a mail route from the falls of Ohio to Indianapolis, by way of Columbus in Bartholomew county;"

In which bills, memorials, joint resolution and proposed amendment, the concurrence of the House of Representatives is requested.

The said amendment made by the Senate to the bill of the House, secondly in said message named,

Was read and agreed to by the House.

Ordered, That the clerk inform the Senate thereof.

The three bills from the Senate named in said message,

Were severally read the first and second times, (the rules of the House having first been dispensed with,) and committed to a committee of the whole House for to-morrow.

The said joint resolution and memorial of the Senate named in said message,

Were severally read the first and second times, (the rules of the House having first been dispensed with,) and ordered to be read a third time to-morrow.

A message was received from the Governor, by Mr. Heylin his private secretary, notifying,

That he did, on this day, approve and sign the following joint resolutions:

A joint resolution of the General Assembly of the state of Indiana, on the subject of a Land Office to be established in the northern part of said state.

A joint resolution relative to an appropriation of land to aid in the improvement of the state road from Madison to Indianapolis.—Also,

A memorial of the General Assembly of the state of Indiana to the Senate and House of Representatives of the United States in Congress assembled.

A message from the Senate by Mr. Morris, their assistant secretary:

Mr. Speaker;

The Senate have passed an engrossed joint resolution, originating in the House of Representatives, entitled,

“A joint resolution of the General Assembly of the state of Indian, for a turnpike road from Lawrenceburgh to the southern bend of the St. Joseph’s river,” with amendments; and

An engrossed bill of the Senate, entitled,

“An act to incorporate the Indiana Historical Society:”

In which amendments and bill of the Senate, the concurrence of the House of Representatives is requested.

The said amendments made by the Senate to the joint resolution named in said message of the House, were read and agreed to.

Ordered, That the clerk inform the Senate.

The bill of the Senate named in said message,

Was read the first time and passed to a second reading.

On motion of Mr. Boon,

The bill authorising a travelling penitentiary, laid on the table on the 15th instant was taken up.

Mr. Ferris moved that the further consideration of said bill be postponed until the first Monday in December, 1831;

Which motion was decided in the negative; and

On motion of Mr. Herod,

Ordered, That the same be re-committed to a committee of the whole House for to-morrow.

On motion of Mr. Crume,

The bill to locate a state road from Connersville in Fayette county to Louisville in Henry county, laid on the table yesterday, was taken up.

Mr. Crume moved to amend said bill, by inserting after the word "fund," in the third section, the following, "which sum of fifty dollars, shall be considered as a part of such sum as may be allowed in the general distribution of the three per cent. fund, to the county of Fayette;"

Which motion was carried in the affirmative.

The said bill was then ordered to be engrossed and read a third time to-morrow.

And then the House adjourned until to-morrow morning; 9 o'clock.

FRIDAY MORNING, DECEMBER 31, 1830.

The House met pursuant to adjournment.

Mr. Hankins presented a petition of Robert L. Broaddus praying a compensation for transporting a cannon and other artillery equipage from Cincinnati to Connersville;

Which was read and referred to the committee on claims.

Mr. Bell presented a petition of the citizens of Fall creek township in Madison county, praying an act to legalize the sale of their school section; and to allow them to apply the interest arising from the sale of said school lands to the support of common schools in said township;

Which was read, and so much thereof as relates to legalizing the sale of said lands, was referred to a select committee of Messrs. Bell, Worth, Russell and Dumont, and the residue thereof to the committee on education.

Mr. McNary presented a petition of sundry citizens of Greent castle, in Putnam county, praying an act to vacate part of Water street in said town;

Which was read and referred to a select committee of Messrs. McNary, Kinney and Boon.

Mr. Lane presented sundry remonstrances of James Willson and others, against legalizing the proceedings of Adam Shoemaker; commissioner on the state road leading from Freedomia to Princeton, and praying for his removal as such commissioner;

Which were read and ordered to lie on the table.

Mr. Ferris from the committee on education to whom was referred several resolutions of this House, directing them to enquire into the expediency of authorizing a majority of those who may attend any meeting for that purpose, to authorize a sale of their school lands; and when lands have been valued too high to authorize a re-valuation, so as in no case to fix such valuation at less than \$1 25 per acre; also

The petition of Richard Henderson and others, of Wayne county, to have the sale of the school lands in town 13 in said county, legalized, reported the following resolutions,

Which were read and agreed to, to wit:

Resolved, That the committee of revision be instructed to amend the law authorising the sale of the school lands in such a way that the trustees of any incorporated township may call a meeting of the citizens of the township to determine whether they will sell their school lands by giving twenty days previous notice of such meeting by written advertisements set up in ten of the most public places in such township; and should a majority who attend, vote in favor of such sale, they shall then in like manner give sixty days notice of such determination before they shall proceed to sell, and should a majority of such citizens oppose by remonstrance such sale, no sale shall take place; but should there not be a majority of the citizens remonstrating against the sale, then such land to be offered for sale: also so to amend the law, that lands which have been offered and not sold, may be re-valued and offered, but in no case to be valued at less than \$1 25 per acre: also that the sale of the school lands in town 13, in Wayne county, be legalized according to the prayer of the petitioners: also in compliance with the petition of sundry citizens of Franklin county, that the law be so amended that in any township where the citizens would prefer to lease their lands, the trustees may lease for any term not exceeding ninety-nine years.

Mr. Pollock from the committee on roads to which was referred the petition of Eli Gilcrees and others, praying an alteration in the state road, leading from the Illinois line by way of certain points therein named to Greensburgh; and the remonstrance of David Bouta and others, against granting the prayer of the petitioners, reported that the committee have had the same under consideration, and are of opinion that it is inexpedient to legislate on that subject at this time;

Which was read and concurred in.

Mr. Ferris from the committee of revision, reported a bill providing for the incorporation of towns;

Which was read the first and second times, (the rules of the House having first been dispensed with,) and committed to a committee of the whole House for to-morrow.

Mr. Herod from the committee of revision, reported a bill regulating the practice in chancery;

Which was read the first and second times (the rules of the House having first been dispensed with) and committed to a committee of the whole House for to-morrow;

Mr. Pollock moved the following resolution:

Resolved, That the judiciary committee be requested to specify the offices which may be held by any one man according to the intention of the thirteenth section of the eleventh article, of the constitution, wherein it is said that no person shall hold more than one lucrative office at the same time, and that they report by bill or otherwise;

Mr. Hoover moved to lay said resolution on the table;

Which motion was decided in the negative; and

The question being put on its adoption,

It was carried in the affirmative.

Mr. Bussell moved the following resolution:

Resolved, That a select committee be appointed to enquire into the expediency of taxing all species of cattle that may hereafter be worked in stead of, or as work oxen;

And report by bill or otherwise;

And on the question to adopt the same,

It was decided in the negative.

Mr. Crume moved the following resolution:

Resolved, That the judiciary committee be instructed to enquire into the expediency of authorising the Boards doing county business, to vacate in whole or in part, any streets and alleys in any town or towns that may be in their respective

counties: *Provided*, the same shall be done without interfering with the vested rights of individuals, who may be the owners of lots in said town or towns;

And the question being put on its adoption,
It was decided in the negative.

Mr. Stewart moved the following resolution:

Resolved, That the committee on military affairs be instructed to enquire into the expediency of exempting from militia duty in time of peace, all those who may hereafter serve five years as commissioned officers;

Mr. Hillis moved to amend the same by adding at the end thereof these words "and all soldiers who have served faithfully ten years," and

Before the question was put thereon,

Mr. Logan moved to lay said resolution and proposed amendment on the table;

Which motion was decided in the negative:

The question was then put on the amendment proposed by Mr. Hillis,

And carried in the affirmative:

Mr. Elliott then moved further to amend said resolution by adding at the end thereof, the following: "and also, all persons conscientiously scrupulous of bearing arms;"

Which motion was decided in the negative:

Mr. Ferris moved further to amend the resolution by inserting the word "faithfully" after the word "serve,"

Which motion was carried in the affirmative:

The question then recurring on the adoption of the resolution as amended,

The same was decided in the negative.

Mr. Kinney, after having obtained leave, presented a joint resolution of the General Assembly of the state of Indiana;

Which was read the first time and passed to a second reading.

The House then proceeded to consider the orders of the day:

The bill re-locating part of a state road leading from Fort Wayne in Allen county, in the direction of Fort Defiance in the state of Ohio,

The bill to incorporate the Lawrenceburgh bridge company, and

The bill for the re-location of the county seat of Bobn county,

Were severally read the second time and ordered to be engrossed and read a third time to-morrow.

The bill repealing part of an act declaring Lick creek a navigable stream;

Was read the second time and ordered to be laid on the table;

The bill regulating grist-mills and millers and

The bill to open a part and re-locate a part of the Mauk's ferry state road;

Were severally read the second time and committed to a committee of the whole House for to-morrow.

The bill changing a part of the Mauk's ferry state road,

Was read the second time and committed to the same committee of the whole House with the last named bill.

The bill to authorise special sessions of the circuit court,

Was read the second time;

Mr. Skeen moved that said bill be so amended as to authorize the associate judges to hold such court in case the president judge fails to attend, and

Before the question was put thereon,

Mr. Reiley moved that the further consideration of said bill be indefinitely postponed, and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Coffin, Crume, Gardner, Hendricks, Herod, Logan, Lynd, McPheeters, Pitcher, Reiley, Roe, Schoonover, Stewart, Wallace of F., Work, Worth, and Hawk, Speaker—17.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bell, Bence, Bentley, Boon, Brown, Bussell, Casey, Claypool, Craig, Decker, Dowden, Dumont, Elliott, Ferris, Finley, Galletely, Hall, Hamilton, Hankins, Hillis, Holman, Hoover, Kinney, Lane, Levenworth, Long, Lowry, McNary, Owens, Paddacks Parks, Pollock, Read of D. and M., Reid of F., Russell, Semans, Skeen, Smiley, Soper, Wallace of J., Wright and Zenor—44:

And so said motion was decided in the negative;

Mr. Galletely then moved that said bill be committed to a committee of the whole House for to-morrow;

Which motion was carried in the affirmative.

The bill to amend an act entitled "An act regulating the taking up of animals going astray," approved January 7th, 1824,

Was read the second time;

Mr. Roe moved that the further consideration thereof be indefinitely postponed;

Which motion was decided in the negative, and

On motion of Mr. Hoover,

Ordered, That said bill be committed to a committee of the whole House for to-morrow.

The engrossed bill from the Senate to incorporate the Indiana Historical Society,

Was read the second time and ordered to pass to a third reading to-morrow.

The engrossed bill for the apportionment of Senators and Representatives to the General Assembly,

Was read the third time;

Mr. Read of D. and M. moved that said bill be re-committed to a select committee, with instructions so to amend the same as to provide for three Representatives in the county of Washington; two in Orange; two in Lawrence; two in Clark; one in Floyd, with one additional one alternately, commencing at Floyd; and one additional one in the counties of Monroe, Owen and Green, alternately; commencing at Monroe; and one additional one in the county of Marion;

Mr. Bentley moved to amend said instructions, so as to provide that an additional representative be given to Harrison county;

Which motion was decided in the negative.

Mr. Semans moved to amend said instructions by adding thereto a provision that Randolph and Delaware counties be entitled to two representatives;

Which motion was decided in the negative:

The question then recurring on the said motion to re-commit, and the ayes and noes being required thereon by two members;

Those who voted in the affirmative are,

Messrs. Bentley, Coffin, Dowden, Ferris, Galletely, Hamilton, Hendricks, Logan, Lynd, McPheeters, Owens, Paddacks, Parks, Read of D. and M., Reiley, Russell, Schoonover, Zenor, and Howk, Speaker—19.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bell, Bence, Boon, Brown, Bussell, Casey, Claypool, Craig, Crume, Decker, Dumont, Elliott, Finley, Gardner, Hall, Hankins, Herod, Hillis, Holman, Hoover, Kinney, Lane, Levenworth, Long, Lowry, McNary.

Pitcher, Pollock, Read of F., Roe, Semans, Skeen, Smiley, Soper, Stewart, Wallace of F., Wallace of J., Work, Worth and Wright,—42.

And so said motion was decided in the negative.

Mr. Coffin moved that said bill be re-committed to a select committee, with instructions so to amend it as that the ratio for senators shall be 2000, and for representatives 1000, or as near as practicable, being the ratio agreed to by a resolution of the House heretofore adopted, appointing the committee to report the bill;

The previous question was then called for by three members, and was put, viz:

“That the main question be now put?”

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Beard, Bell, Boon, Brown, Bussell, Claypool, Craig, Crume, Decker, Dumont, Elliott, Finley, Gardner, Hankins, Herod, Hillis, Holman, Hoover, Kinney, Lane, Long, Lowry, M’Nary, Pollock, Reid of F., Russell, Skeen, Smiley, Soper, Stewart, Wallace of F., Wallace of J., Worth, and Wright—34.

And those who voted in the negative, are,

Messrs. Armstrong, Bence, Bentley, Casey, Coffin, Dowden, Ferris, Galletely, Hall, Hamilton, Hendricks, Levenworth, Logan, Lynd, M’Pheeters, Owens, Paddacks, Parks, Pitcher, Read of D. and M., Reiley, Roe, Schoonover, Semans, Work, Zenor, and Hawk, Speaker—27.

And so said previous question passed in the affirmative:

The main question was then put, to wit: “shall the bill pass?”

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Beard, Bell, Boon, Brown, Bussell, Claypool, Craig, Crume, Decker, Dumont, Elliott, Finley, Gardner, Hall, Hankins, Herod, Hillis, Holman, Hoover, Kinney, Lane, Levenworth, Long, Lowry, M’Nary, Pollock, Reid of F., Reiley, Russell, Skeen, Smiley, Soper, Stewart, Wallace of F., Wallace of J., Worth and Wright—38.

And those who voted in the negative are,

Messrs. Bence, Bentley, Casey, Coffin, Dowden, Ferris,

Galletely, Hamilton, Hendricks, Logan, Lynd, M'Pheeters, Owens, Paddacks, Parks, Pitcher, Read of D. and M., Roe, Schoonover Semans, Work, Zenor and Hawk, speaker—23.

And so said bill passed.

Ordered, That the same be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

And then the House adjourned till 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

An engrossed memorial and bill of the House, of the following titles, to-wit:

A memorial of the General Assembly of the state of Indiana relative to the improvement of the Ohio river,

The bill to incorporate the Lawrence county seminary,

The bill establishing a state road from Connorsville to Knightstown,

The bill regulating the fees of the several officers and persons therein named, and

The bill to locate a state road from Connorsville in Fayette county, to Louisville in Henry county;

Were severally read the third time and passed.

Ordered, That said bills be entitled acts, and that the clerk carry them together with said memorial to the Senate and ask their concurrence.

The engrossed bill to provide for semi-annual fairs in the county of Floyd;

Was read the third time, and passed.

On motion of Mr. Dumont,

The title of said bill was amended so as to read "A bill to provide for semi-annual fairs in the counties of Floyd and Switzerland;"

Ordered, That said bill be entitled an act, and that the clerk carry it to the Senate and ask their concurrence;

The engrossed bill to consolidate the towns therein named,

Was read the third time and passed;

On motion of Mr. Kinney,

The title of said bill was amended by striking it out after the word "bill" and inserting in lieu thereof these words "to establish the town of Dayton;"

Ordered, That said bill be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

The engrossed memorial and joint resolution from the Senate on the subject of McArthur's Island, and

The engrossed memorial of the General Assembly of the state of Indiana from the Senate on the subject of a mail route from the falls of the Ohio to Indianapolis by the way of Columbus, in Bartholomew county;

Were severally read the third time and passed:

Ordered, That the clerk inform the Senate thereof.

The House resolved itself into a committee of the whole on the engrossed bill from the Senate to regulate the mode of doing county business in the several counties in this state, and after some time spent therein, the speaker resumed the chair, and Mr. Casey reported progress and asked leave to sit again;

Which leave was granted;

And then the House adjourned until to-morrow-morning, 9 o'clock.

SATURDAY MORNING, JANUARY 1, 1831.

The House met pursuant to adjournment.

Mr. Ferris, in behalf of himself and other members, entered the following protest, viz:

The undersigned members of the House of Representatives of the General Assembly of the state of Indiana, protest against an act of that House, in passing a bill, yesterday, for apportioning the senators and representatives among the several counties of this state.

1st. Because that apportionment appears to them contrary to both the spirit and letter of the Constitution, which says, 'see Article 3d, Sect. 2d) which apportionment shall be made among the several counties in the state, according to the number of free white male inhabitants over 21 years of age in each; but this bill gives to Clark county with 1928 such persons, three representatives; and to Washington with 2316 but two: It gives to Marion county with 1449 but one representative; and to Switzerland with 1292, Vermillion with 1352 and Union with 1346, each two representatives, neither of which counties have as many voters as Marion, which has but one representative. It gives to the county of Martin with 377, one representative, and to the county of Floyd, with 1253, but one; and to the county of Spencer, with 598, it adds the county of Perry with 550, making together 1148, and gives the two but one representative. It gives to the county of Clay with 380 one representative, and to the county of Randolph with 685, it adds the county of Delaware with 528. making together 1213 and

gives both but one representative. The same inequality exists in the apportionment of senators: the bill gives to the county of Franklin one member with 1668 voters, and to the county of Parke with 1704 it adds the county of Vermillion with 1352, making together 3066 and gives the two but one. It gives to Gibson, Pike and Dubois with 1714 one member, and to the county of Clarke with 1928 it adds the county of Floyd with 1157, making together 3181, and gives them but one member; thus in our opinion disregarding the rule of apportionment pointed out in the Constitution.

2d. In our opinion the provisions of that bill are unreasonable and unjust, giving to some of the members of our political family triple the influence in her councils it does to others, and in a number of cases more than double.

3d. It does not agree with the decision of this House, made by ayes and noes, by which it has published to the people of the state that 1000 should be the ratio for a representative and 2600 for a senator.

4th. It gives an increase of 20 senators and representatives more than we at present have, which are already in our opinion sufficiently numerous, and will by that means increase the expenses of the state at the lowest calculation \$20,000 in five years, a burthen to be imposed on the people, which we think is uncalled for, and for which they receive no valuable consideration.

5th. Because we believe it was improper to pass a bill of such importance, which had been read in the House only on two days, which they had refused to commit or lay on the table, that members might have an opportunity to examine it, and from which they excluded all opportunity for amendment or debate, by ordering the previous question.

For these and other reasons we feel it our duty to make known to our constituents in this Constitutional way, the causes of our dissent from an act of our brethren in legislation.

GEORGE BENTLEY,
JOHN ZENOR,
JACOB BENCE,
JAMES LYND,
R. SCHOONOVER,

EZRA FERRIS,
PLEASANT PARKS,
THOMAS COFFIN,
HUGH MPHEETERS,
EZEKIEL D. LOGAN,
JOSEPH PADDACKS.

A message from the Senate by Mr. Morris, their assistant secretary:

Mr. Speaker;

The Senate have passed engrossed bills of the House of Representatives, entitled acts, as follows, viz:

An act to vacate a part of a certain state road therein named and for other purposes;

An act for the relief of James Faris, trustee of the county seminary of Dubois county;

An act for the relief of Samuel Hanna;

An act authorizing Matthew Flinn to convey certain lots in the town of Leesville, all without amendment.

They have also passed bills of the House entitled acts, as follows:

An act establishing a county treasurer; and

An act confirming to John J. Akin, jr., Alexander Walker and John J. Livingston certain rights, with amendments, in which the concurrence of the House of Representatives is requested.

The 1st, 2d, 4th and 5th amendments, made by the Senate to the above named bill of the House, establishing a county treasurer, and the amendment made to the bill last in said message named, were severally read and agreed to; and the third amendment proposed to said first named bill was disagreed to.

Ordered, That the clerk inform the Senate thereof.

Mr. Galletely presented a petition of Eli Dixon and others, praying an appropriation of three hundred dollars, to aid in defraying the expenses incurred in building a bridge across Elf river, where the state road from Vincennes to Indianapolis crosses the same;

Which was read and ordered to lie on the table.

Mr. Read of D. M. from the committee of ways and means, to which was referred a resolution of this House, instructing them to enquire into the expediency of so changing the law now in force, with regard to the collection of tax, as to make it obligatory on the collector, in advertising any property for the payment of such tax, to set out a full description of the property belonging to non-residents, reported, that they have had the same under consideration, and are of opinion that it would be inexpedient to make such a change in the revenue law at this time;

Which report was read and concurred in.

Mr. Pollock from the committee on roads, to which was referred the petition of John Martindale and others, reported a bill to establish a state road from Washington in Wayne county to New Castle in Henry county;

Which was read the first time, and passed to a second reading.

Mr. Pitcher from the select committee, to which was referred the petition of Alexander Simons and others, reported a bill to legalize the proceedings of the Board of Commissioners of Perry county;

Which was read the first time and passed to a second reading.

Mr. Hankins from the select committee to which was referred the petition of sundry citizens of Franklin county, praying that a part of said county may be attached to the county of Fayette, reported, that they have had the same under consideration, and are of opinion that it is inexpedient to legislate on that subject at this time; and ask so be discharged from the further consideration thereof:

Which was read and concurred in.

On motion of Mr. Zenor,

Resolved, That the committee on education be instructed to enquire into the expediency of so amending the law authorizing the sale of school lands in the several Congressional townships, as to allow a treasurer in each respective township, and all necessary officers.

Mr. Owens, after having obtained leave, presented a bill for the relief of the purchasers of lands in the Reserve township of land in Monroe county;

Which was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time on Monday next.

Mr. Read of D. and M. moved that the bill making an appropriation to aid in building a bridge over the Big fork of Wall-nut, and to improve the navigation of Eel river, be taken up;

Which motion was decided in the negative.

Mr. Long from the select committee, to which was referred a resolution on that subject, after having obtained leave, reported a bill to locate a state road from New Castle, in Henry county to Milton in Wayne county;

Which was read the first time and passed to a second reading.

The House then proceeded to consider the orders of the day:

The joint resolution of the General Assembly of the state of Indiana was read the second time and ordered to be engrossed and read a third time on Monday next.

The engrossed bill from the Senate to incorporate the Indiana historical society was read the third time and passed.

Ordered, That the clerk inform the Senate thereof.

Engrossed bills of the House of the following titles, to wit:

The bill to incorporate the Lawrenceburgh bridge company;

The bill for the relocation of the county seat of Boon county; and

The bill to relocate part of a state road leading from Fort Wayne in Allen county. in the direction of Fort Defiance in the state of Ohio, were severally read the third time and passed.

Ordered, That the same be entitled acts, and that the clerk carry them to the Senate and ask their concurrence.

On motion of Mr. Boon,

The orders of the day were for the present postponed, and the bill to encourage the manufacture of salt in Switzerland county was taken up, and ordered to be committed to a committee of the whole House, for this day now.

The House then resolved itself into a committee of the whole on said bill, and after some time spent therein, the Speaker resumed the chair and Mr. Claypool reported the same without amendment; and the question being put,

"Shall the bill be engrossed and read a third time on Monday next?

It was decided in the negative.

The House then resumed the consideration of the orders of the day:

The house resolved itself into a committee of the whole, on the engrossed bill from the Senate, for the relief of the subscribers to the building of the state prison, and after some time spent therein the Speaker resumed the chair, and Mr. Coffin reported the same without amendment.

The said bill was then ordered to pass to a third reading on Monday next.

The House resolved itself into a committee of the whole on the bill to provide for the building of a State House, and after some time spent therein, the Speaker resumed the chair and Mr. Craig reported the same with sundry amendments;

Which were read and concurred in by the House.

And then the House adjourned until Monday morning nine o'clock

MONDAY MORNING, JANUARY 3, 1831.

The House met pursuant to adjournment.

The bill to provide for the building of a State House, under consideration when the House adjourned on Saturday evening.

Was ordered to be engrossed and read a third time to-morrow.

Mr. Finley presented a petition of Richard Henderson and others, praying the location of a state road from Richmond via Newport and Winchester to Fort Wayne;

Which was read and referred to a select committee of Messrs. Finley, Semans and Holman.

Mr. Dowden presented a petition of Jacob Blasdel and others, praying an act to vacate the town of Cambridge in Dearborn county, and a remonstrance of John Dawson against the same;

Which were read and referred to the committee on the judiciary.

Mr. Read of D. and M., presented a petition of sundry citizens of Daviess county, praying an amendment of the 14th section of the act incorporating the congressional townships and providing for public schools therein;

Which was read and ordered to lie on the table.

Mr. Hall presented a petition of sundry citizens of Gibson county, praying that the route of the state road from Fredonia to Princeton, as surveyed and laid out by Adam Shoemaker, commissioner thereon, may be established by law;

Which was read and referred to a select committee of Messrs. Hall, Pitcher, Levenworth and Lane.

On motion of Mr. Hall,

The several remonstrances of James Willson and others, against the prayer of the above named petition, laid on the table on the 31st ult., were taken up and referred to the same select committee last named.

Mr. Pollock from the committee on roads to which were referred the petition of D. B. Boyd and others, and the remonstrance of Abraham Shoemaker and others, reported a bill authorising a review of part of the state road from Bono by the way of Bedford to Terre-Haute;

Which was read the first time and passed to a second reading.

Mr. Holman from the committee on canals and internal improvements, to which was referred a portion of the Governor's message; Also, the reports of the canal commissioners and state engineer, with other matters in the House, made a report in part accompanied with a bill supplemental to an act providing means for the construction of the Wabash and Erie canal; and a joint resolution on the subject of the Wabash and Erie canal;

Which were severally read the first time and passed to a second reading to-morrow.

Ordered, That 1000 copies of said report, and 500 copies of said bill be printed.

A message from the Senate by Mr. Morris their assistant Secretary:

Mr. Speaker,

The Senate has passed an engrossed bill entitled,

"An act concerning clerks:"

In which the concurrence of the House of Representatives is requested.

The said bill was then read the first and second times, (the rules of the House having first been dispensed with,) and committed to a committee of the whole House for to-morrow-

The following message was received from the Senate by Mr. Morris, their assistant secretary:

Mr. Speaker;

The Senate insist on the third amendment proposed by them to the engrossed bill of the House of Representatives, entitled "An act establishing a county treasurer;"

To which the House of Representatives have disagreed.

Mr. Boon moved that the House recede from their disagreement to said amendment made by the Senate to the bill of the House, named in said message;

Which motion was decided in the negative.

On motion of Mr. Hillis,

The House insisted on their disagreement to the said amendment;

Ordered, That the clerk inform the Senate.

My Lynd from the select committee to which was referred the petition of the trustees of the county library of Orange county, relative to a part of the library fund of said county;

Reported that they have had the same under consideration, and are of opinion that it is inexpedient to legislate on that subject at this time;

Which was read, and concurred in.

Mr. Worth from the joint committee on enrolled bills reported,

That they had compared the enrolled with the engrossed bills and joint resolutions, entitled

An act for the relief of purchasers of out-lots adjoining the town of Indianapolis,

An act for the relief of the collector of Fayette county,

An act for the relief of Jonathan Legg and Elizabeth Thacker,

An act in addition to an act entitled an act to authorise the sale of a site for a steam mill at Indianapolis, approved January 26, 1727,

A joint resolution of the General Assembly of the state of Indiana, relative to certain roads therein named,

An act authorising Matthew Flinn to convey certain lots in the town of Leesville,

An act for the relief of James Faris, trustee of the county seminary of Dubois county,

An act for the relief of Samuel Hanna,

An act to vacate a part of a certain state road therein named, and for other purposes,

And found the same truly enrolled;

When the speaker signed said bills and joint resolutions:

Ordered, That the clerk carry them to the Senate for the signature of their president.

Mr. McNary from the select committee to which was referred the petition of sundry citizens of Putnam county, reported a bill to vacate part of Water street, in the town of Greencastle;

Which was read, the first time, when

Mr. Dumont moved that said bill be rejected,

Which motion was decided in the negative;

The said bill was then ordered to pass to a second reading.

Mr. Hendricks moved the following resolution:

Resolved, That the committee of ways and means be instructed to enquire into the expediency of so altering the revenue law as to require collectors to pay over the county revenue on the first Monday of March annually;

A motion was made by Mr. Wallace of J., to amend said resolution by striking out therefrom, the word "March" and inserting in lieu thereof the word "May;"

Which motion was decided in the negative, and

The question being put on the adoption of said resolution.

It was decided in the negative.

Mr. Armstrong moved the following resolution:

Resolved, That the judiciary committee be directed to enquire into, and report to this House, what actions, cause, or causes of complaint are properly cognizable, to be settled by arbitration agreeably to the provisions of an act authorising and regulating arbitrations, approved January 29, 1818, with leave to report by bill or otherwise.

And on the question to adopt the same,

It was decided in the negative.

Mr. Hoover moved the following resolution:

Resolved, That the committee on canals and internal improvements, be instructed to prepare and report to this House, a memorial to the Congress of the United States, praying an extension of the time allowed for the commencement of the Wabash and Erie canal, and that the state of Indiana may have the discretionary power of connecting the navigable waters of the Wabash with those of Lake Erie, either by a railroad, turnpike road, or canal, as she may deem most expedient, and that she be authorised to apply the proceeds of the canal lands to one of the objects thus referred to; and that such road or canal shall ever be a public highway for the use of the United States in common with this state;

Which was read and ordered to lie on the table.

Mr. Craig moved the following resolution:

Resolved, That a select committee be appointed to enquire into the expediency of making a log railed way from the town of Indianapolis to the Ohio river, and that they report by bill or otherwise;

Mr. Herod moved to amend the same by inserting after the words "Indianapolis to" these words, "some convenient point on;"

Which motion was decided in the negative.

The question then being put on the adoption of said resolution,

It was passed in the affirmative;

Ordered, That Messrs. Craig, Dumont, Smiley, Hillis, M'Nary and Logan, be that committee.

The House then proceeded to consider the orders of the day:

The bill to establish a state road from Washington in Wayne county, to Newcastle in Henry county,

The bill to legalize the proceedings of the board of commissioners of Perry county, and

The bill to locate a state road from Newcastle in Henry county, to Milton in Wayne county,

Were severally read the second time and ordered to be engrossed and read a third time to-morrow.

The engrossed bill from the senate for the relief of the subscribers for the building of the state prison,

Was read the third time and passed:

Ordered, That the clerk inform the Senate thereof.

The engrossed joint resolution of the General Assembly of the state of Indiana, and

The engrossed bill for the relief of purchasers of land in the reserve township of land in Monroe county,

Were severally read the third time and passed:

Ordered, That said bill be entitled an act, and that the clerk carry it together with said joint resolution to the Senate and ask their concurrence:

And then the House adjourned till two o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Elliott,

The vote taken this day on the passage of the engrossed joint resolution of the State of Indiana, was re-considered;

Mr. Ferris then moved that said joint resolution be laid on the table;

Which motion was carried in the affirmative.

The House again resolved itself into a committee of the whole, on the engrossed bill from the Senate regulating the mode of doing county business in the several counties in this state, and after some time spent therein, the Speaker resumed the chair and Mr. Crume reported the same with sundry amendments;

Which were read and concurred in generally.

Mr. Logan moved that said bill be re-committed to a select committee;

Which motion was decided in the negative:

Mr. Semans moved to amend said bill by striking out of the second section thereof so much as provides that the person having the highest number of votes shall serve three years, and the person having the next highest shall serve two years, and the person having the next highest shall serve one year, and inserting in lieu thereof the following:

"One of whom shall serve three years, one two years, and

one one year; to be determined by lot to be drawn by the clerk of the circuit court, in the presence of the persons elect;”

Which motion was decided in the negative.

A motion was made by Mr. Semans to amend said bill by striking out of the tenth section thereof, the words “by a vote of the whole county,” and inserting in lieu thereof, these words, “by a majority of the legal voters of their respective districts;”

Which motion was decided in the negative:

Mr. Levenworth moved to amend said bill by adding the following as an additional section, viz:

“Sec. And be it further enacted, that nothing in this act shall be so construed as to prevent the county of Crawford from doing their county business as now provided for by law;

Which motion was decided in the negative, and

Mr. Bentley moved to amend said bill by inserting in the nineteenth section thereof, after the words “inspector of elections for each township,” these words “one assessor in each commissioners district;”

Which motion was decided in the negative.

Mr. Crume moved to amend said bill by striking out thereof the tenth section, which reads in these words, to-wit:

“Sec. 10. And it is hereby made the duty of the present Boards doing the business of the several counties to meet on the first Monday of May 1831, and lay their respective counties off into three equal commissioners districts, numbered in numerical order, one, two and three, and one commissioner shall be elected in each of said districts by a vote of the whole county; and said districts when so laid off may be altered once in every three years thereafter, if justice require it, and not oftener: *Provided*, however, that nothing in this act shall be so construed as to effect the term of office of any commissioner heretofore elected; but when a vacancy shall occur in any board of commissioners now in existence, the same shall be supplied by a person to be elected from one of such districts in numerical order.”

Which motion was decided in the negative:

On motion of Mr. Hillis,

Ordered, That said bill do lie on the table.

A message from the Senate by Mr. Morris, their assistant secretary:

Mr. Speaker,

The Senate continue to insist on their amendment to the engrossed bill of the House of Representatives, entitled an act establishing a county treasurer, and have appointed Messrs.

Fletcher and Whitcomb, a committee of free conference to take into consideration the disagreeing votes of the two Houses in reference to the proposed amendment of the senate to said bill.

The Senate has passed an engrossed bill, entitled

An act concerning the Secretary of State; also

A joint resolution of the House of Representatives, on the subject of the steam mill proposed to be erected on the donation near Indianapolis, without amendment; also,

A memorial of the General Assembly of the state of Indiana from the House of Representatives, relative to the improvement of the navigation of the Ohio river, without amendment, in which act the concurrence of the House of Representatives is requested.

Mr. Ferris moved that a committee of free conference be appointed on the part of this House to take into consideration with said committee appointed on the part of the senate, the subject matter of the disagreeing vote of the two Houses on said proposed amendment;

Which motion was carried in the affirmative.

Ordered, That Messrs. Ferris and Kinney, be that committee.

The said engrossed bill from the Senate in said message named was read the first time and passed to a second reading.

The House resolved itself into a committee of the whole on the bill to provide for the partition of real estate, and after some time spent therein the Speaker resumed the chair, and

Mr. Decker reported the same without amendment;

The said bill was then ordered to be engrossed and read a third time to-morrow.

The House resolved itself into a committee of the whole on the engrossed bill from the Senate to authorise the appointment of constables and defining their duties;

And after some time spent therein, the speaker resumed the chair, and

Mr. Dowden reported the same with sundry amendments;

Which were read and concurred in generally.

On motion of Mr. Armstrong,

The said bill was amended by adding to the end of the last section the following proviso:

“Provided, That no order taken or made by such examination of the commissioners shall do away or effect the bond previously given by the constable and his securities;”

The said amendments were then ordered to be engrossed and the bill read a third time to-morrow.

Mr. Elliott from the joint committee on enrolled bills, reported That, they did on this day present to the Governor for his approval and signature, the following enrolled bills and joint resolution entitled acts, and a joint resolution, to-wit:

An act for the relief of purchasers of out-lots adjoining the town of Indianapolis,

An act authorising Matthew Flinn to convey certain lots in the town of Leesville,

An act to vacate a part of a certain state road therein named, and for other purposes,

An act for the relief of Samuel Hanna,

An act for the relief of James Faris, Trustee of the county seminary of Dubois county,

An act for the relief of Jonathan Legg and Elizabeth Thacker,

An act in addition to an act entitled, An act to authorise the sale of a site for a steam mill at Indianapolis, approved January 26, 1827,

And a joint resolution of the General Assembly of the state of Indiana, relative to certain roads therein named;

And then the House adjourned until to-morrow morning, 9 o'clock.

TUESDAY MORNING, JANUARY 4, 1831.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from the Adjutant General, accompanied by an abstract of the return of the militia of the state for the year 1830, made in obedience to a resolution of the Senate;

Which were read, and referred to the committee on military affairs.

Mr. M'Pheeters presented a petition of sundry citizens of Washington county, praying the repeal of the 4th section of the act "regulating medical societies," approved January 30th, 1830;

Which was read and ordered to lie on the table.

Mr. Hall presented a petition of O. P. Gram, a prisoner indicted for murder in Posey county, praying a change of venue to some other county;

Which was read and referred to a select committee of Messrs. Hall, Casey and Lane.

Mr. Bentley presented a petition of Lyman Leslie and others, praying an appropriation from the three per cent. fund to open a state road from the Tobacco landing to Corydon;

Which was read and referred to the committee on roads.

Mr. Wallace of F., from the committee of revision, reported a bill to establish and regulate ferries;

Which was twice read, (the rules of the House having first been dispensed with) and committed to a committee of the whole House for to-morrow.

Mr. Hillis, from the same committee, reported a bill for the appointment of county surveyors and their deputies;

Which was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time to-morrow.

Mr. Ferris, from the same committee, reported a bill to establish a state library;

Which was read the first time and passed to a second reading.

Mr. Ferris, from the same committee, reported a bill to authorize vacation of towns;

Which was read the first time and passed to a second reading.

Mr. Ferris, from the committee of free conference, appointed on the part of this House, to take into consideration, with a similar committee appointed by the Senate, the subject matter of the disagreeing vote of the two Houses, upon the third amendment proposed by the Senate, to the bill of this House establishing a county treasurer, reported that they have had the subject under consideration and report the bill back to this House with the following amendment, viz: by striking out of the 7th line of the 8th section, these words: "the sum of ten," and inserting in lieu thereof these words, "not less than five nor exceeding ten, at the discretion of said treasurer;"

Which report was read and concurred in.

Ordered, That the clerk inform the Senate thereof.

Mr. Bussell presented the following resolution:

Resolved, That a select committee be appointed to enquire into the expediency of making it the duty of the citizens of the several counties in this state, to meet the assessor that may be appointed in each township, at the usual places of holding elections, on the first Monday of April, annually, and give to said assessor a true statement of all taxable property in their hands and report by bill or otherwise.

Mr. Galletely moved to amend the same, by inserting after the words, "in their hands," the following: "and that any person failing thus to attend, shall be fined in a sum not to exceed the amount of his taxes;"

Which motion was carried in the affirmative; and

The question recurring on the adoption of said resolution as amended;

It was decided in the negative.

On motion of Mr. Dumont,

Resolved, That the judiciary committee be instructed to enquire into the necessity and expediency of allowing changes of venue in criminal cases, with leave to report by bill or otherwise.

On motion of Mr. Hall,

The bill respecting free negroes and mulattoes, servants and slaves, laid on the table on the 29th ult., was taken up:

The first amendment proposed by the judiciary committee to said bill, (under consideration when the same was laid on the table,) was concurred in by the House.

Ordered, That the said bill be engrossed and read a third time to-morrow.

On motion of Mr. Wallace of J.,

The vote taken on the 1st instant, on the question to, engross the bill to encourage the manufacture of salt in the county of Switzerland, was reconsidered, and

Ordered, That said bill do lie on the table.

Mr. Hillis, in behalf of himself and other members, presented the following replication to the protest entered by Mr. Ferris and other members, on the 1st instant;

Which was read and ordered to be spread upon the journals, viz:

The undersigned, members of the House of Representatives of the General Assembly of the state of Indiana, having voted for the apportionment bill which passed this House on the 30th ultimo, against the passage of which Ezra Ferris and eleven others, members of this House, protested, in language calculated to mislead the public mind, and reflect seriously upon us; we therefore present the following explanation of the reasons that governed us in supporting said bill.

The protest states, "that the apportionment is contrary to the letter and spirit of the Constitution, which says, (see Art. 3, Sec. 2) which apportionment shall be made among the several counties in the state, according to the number of free white male

inhabitants over 21 years of age in each." We do not suppose that the letter or spirit of the Constitution can be so construed as to give to every county or district a representative upon the same precise ratio, as the great disproportion in size of the different counties renders that impossible, hence we presume that the apportionment is to be equalized as nearly as can be, which we conceive has been done in the bill that passed this House.

By way of showing that inequality exists and injustice has been done by the provisions of said bill, Clark county is first singled out. It is stated that Clark county with 1928 voters has three Representatives, and Washington with 2316 only two; to reconcile this seeming inconsistency we will shew the relative strength of Clark and Floyd, which compose one Senatorial District, and have between them four representatives. Clark has 1928 and Floyd 1253 voters, which added together makes 3181 voters, 981 over their senatorial ratio; this added to 353, the surplus Floyd has over a representative ratio, makes 1334 voters, for which Clark has one representative.

The next instance of inequality complained of, is Marion with 1449 voters, and only one representative. If Marion stood unconnected with any other county, this statement would subject the friends of the bill to the severest censure, but when compared with other counties and districts, the imputation vanishes: Marion has 1449 and Hamilton 323 voters; Marion and Hamilton form a senatorial district with 1772 voters and Hamilton and Boon a representative district with 469 voters; compare this senatorial and the two representative districts together, and take the surplus from Marion county, and give it to Hamilton and Boon, and the whole is well arranged and justly equalized.

The next case referred to is Switzerland, Vermillion and Union. It is stated that these counties have two representatives each, with a less number of voters than Marion which has but one: this statement, unqualified and unexplained, would subject the friends of the bill to the charge of doing injustice with some propriety; but when we recollect that the senatorial district of Parke and Vermillion contains 3293 voters, and Union and Fayette 2962, both having a surplus sufficient to entitle the above counties to the additional representative; we must say that the inequality spoken of does not exist.

Martin county with 377 voters is thrown into the scale against Floyd with 1253. Floyd county is disposed of by her union with Clark, and Martin is attached to Knox and Daviess

for a Senator with 2700 voters; the surplus of this senatorial district will entitle her to a representative.

Perry and Spencer counties, with 1148 voters, is introduced as another instance of injustice; there is a surplus in this district, but throw that surplus to Crawford which has 650 voters, and is in the same senatorial district, and it is justly provided for.

The protest then complains that Clay county has a representative with 380 voters, while Randolph and Delaware with 1212 have no more. Take the surplus from Vigo and Sullivan, which are united with Clay for a senator, and she will be entitled to a representative; and it cannot be contended that Randolph and Delaware ought each to have a representative.

The inequality in the senatorial districts of Parke and Vermillion, Gibson, Pike and Dubois, Clarke and Floyd, are all easily reconciled, when compared and taking the surplus from the senatorial ratio and add the same to the representative, and take the surplus from the representative and add to the senatorial ratio.

The apportionment assigned to Franklin is said to be too high, while that of Washington is too low. As regards these two counties we can say they have precisely the same representation assigned them in this bill, that they have in all the bills made out, excepting one, which gave Franklin a senator and a representative, and owing to their situation with the adjoining counties no other arrangements could be made. Upon the whole we feel warranted in saying, that a bill combining equality and justice more than this, cannot be presented to this House.

The undersigned would say something about the increased expense spoken of in the protest, and the hurried manner which it is said the bill was forced through the House, did they believe it necessary; but supposing those remarks were made for a two fold effect, one to cast censure upon the friends of the measure, the other to laud the protestants for an eagle-eyed watchfulness over the Constitution and great interests of the people, we only intended by this explanation to shew the connection and harmony that exists throughout the whole bill, and now submit it under a consciousness that its provisions are just, and its principles strictly within the pale of the Constitution.

David Hillis,
J. H. Wallace,
John Finley,

Wm. S. Bussell,
Thomas Bell,
George Boon,

Elisha Long,
David Wallace,
William Elliott,
John Smiley,
Thos. Brown,
Henry Hoover,
John M'Nary,
Wm. Skeen,
John Gardner,
John Reid,
Abel Claypool,
Thomas C. Stewart,

James T. Pollock,
William Herod,
H. L. Soper,
Alexander Lowry,
Sam'l Hall,
Alex'r Worth,
Joseph Lane,
Amory Kinney,
Eli Wright,
W. Armstrong,
Daniel Hankins,
John Beard.

The House then proceeded to consider the orders of the day:

The bill authorizing a review of part of the state road from Bono, by the way of Bedford, to Terre-Haute, was read the second time.

Mr. Boon moved to amend the bill by striking out the words "Sullivan county" wherever they occur;

Which motion passed in the affirmative: and,

On motion of Mr. Galletely,

The several blanks occasioned by the last amendment, were filled with the words "Clay county."

The said bill was then ordered to be engrossed and read a third time to-morrow.

The memorial and joint resolution relative to the Wabash and Erie canal; and

The engrossed bill from the Senate concerning the Secretary of State,

Were severally read the second time and committed to a committee of the whole House for to-morrow.

The bill to vacate part of Water street, in the town of Greencastle, was read the second time and ordered to be engrossed and read a third time to-morrow.

Engrossed bills of the House of the following titles, to wit:

The bill to establish a state road from Washington in Wayne county to New Castle in Henry county,

The bill to legalize the proceedings of the board of justices of Perry county,

The bill to locate a state road from New Castle in Henry county to Milton in Wayne county, and

The bill to provide for the partition of real estate,

Were severally read the third time and passed.

Ordered, That the same be entitled acts, and that the clerk carry them to the Senate and ask their concurrence.

The engrossed bill to provide for the building of a state house was read the third time:

Mr. Dumont moved to recommit the same to a select committee;

Which motion was carried in the affirmative.

Ordered, That Messrs. Dumont, Galletely, Owens, Russell and Hillis be that committee.

Mr. Owens moved that the said select committee be instructed to amend said bill by inserting a proviso that the said state house shall not, when finished, cost more than \$25,000 00, which sum shall be paid out of the proceeds of the sales of lands, donated to the state of Indiana for her permanent seat of government, commonly called the Indianapolis fund, *and out of no other*; and that the plan or draft of the state house shall be calculated so as not to incur a greater expense to the state than \$25,000, and of sufficient size to afford ample room and accomodasion for one hundred members in the House of Representatives, and sufficient room and accommodation in the Senate chamber, on the second floor, for not less than fifty members;

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Beard Bell, Bentley, Boon, Brown, Casey, Claypool, Craig, Decker, Dowden, Finley, Galletely, Gardner, Hamilton, Hawkins, Hendricks, Herod, Holman, Levenworth, Logan, Long, Lowry, Lynd, Owens, Paddecks, Parks, Pitcher, Pollock, Read of D. and M., Reid of F., Reiley, Skeen, Soper, Work, Wright and Zenor—37.

And those who voted in the negative, are,

Messrs. Bence, Bussell, Coffin, Crume, Dumont, Elliott, Ferris, Hall, Hillis, Hoover, Kinney, Lane, M'Nary, McPheeters, Roe, Russell, Schoonover, Semans, Smiley, Stewart, Wallace of J., Worth and Howk, Speaker—23.

And so said motion was carried in the affirmative.

The engrossed bill from the Senate to authorize the appointment of constables and defining their duties was read the third time and passed.

Ordered, That the clerk inform the Senate thereof.

On motion of Mr. Elliott,

The orders of the day were for the present postponed, and the engrossed bill from the Senate, to regulate the mode of do-

ing county business in the several counties in this state, heretofore laid on the table, was taken up.

Mr. Levenworth moved to amend said bill, by striking out the word "commissioners," wherever it occurs, and inserting in lieu thereof the word "justices;"

Which motion was decided in the negative:

Mr. Reiley moved that said bill be recommitted to a select committee;

Which motion was decided in the negative.

Mr. Bussell moved to amend the same, by striking out of the third line of the 19th section the word "shall," and inserting in lieu thereof the word "may;"

Which motion was decided in the negative.

The said amendments were then ordered to be engrossed and the bill read a third time to-morrow.

And then the House adjourned till two o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Worth, from the joint committee on enrolled bills, reported,

That they had compared the enrolled with the engrossed bills, joint resolution and memorial, entitled

An act concerning the auditor of public accounts and treasurer of state;

An act to change a part of the state road from Mauk's ferry to Indianapolis, and for other purposes;

An act to provide for the relocation of part of a state road from Greencastle in Putnam county, through Rockville in Parke county, to Newport in Vermillion county;

An act confirming to John J. Akin, jr., Alexander Walker and John J. Levingston certain rights;

A joint resolution of the General Assembly relative to the improvement of a harbour on Lake Michigan;

A memorial of the General Assembly of the state of Indiana, on the subject of a mail route from the Falls of Ohio to Indianapolis, by way of Columbus in Bartholomew county;

And found the same truly enrolled:

Whereupon, the Speaker signed said bills, joint resolution and memorial.

Ordered, That the clerk carry them to the Senate for the signature of their President.

The House resolved itself into a committee of the whole on the bill for assessing and collecting the revenue, and after some time spent therein, the Speaker resumed the chair, and Mr. Dumont reported the same with sundry amendments;

Which were read and concurred in by the House.

On motion of Mr. Ferris,

The said bill was amended by striking out of the second section thereof, so much as provides for assessing a tax on original writs.

Mr. Craig moved further to amend said bill, by striking out of the 8th line and 28th section thereof the word "two," and inserting in lieu thereof the word "three" (being the time allowed for the redemption of lands sold for taxes);

Which motion was decided in the negative.

Mr. Hoover moved to amend said bill, by striking out of the 53d section thereof these words, "on capitals of one thousand dollars, and under ten dollars;" and inserting in lieu thereof the following: "for any amount of foreign merchandize, under one thousand dollars, the board doing county business shall lay a tax, in the proportion of \$10 to the \$1000 worth of such goods, to be ascertained by such person under oath;"

Which motion was decided in the negative.

Mr. Galletely moved to amend said bill, by striking out the same words, and inserting in lieu thereof the following, viz: "on each hundred dollars of foreign merchandize, offered for sale, there shall be assessed a tax of one dollar;"

Which motion was decided in the negative.

The said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Elliott from the joint committee of enrolled bills reported,

That they did, on this day, present to the Governor, for his approval and signature, the following acts, joint resolution and joint memorial, to wit:

An act concerning the auditor of public accounts and treasurer of state;

An act confirming to John J. Akin, Alexander Walker and John J. Livingston certain rights;

An act providing for the relocation of a road from Greencastle in Putnam county to Newport in Vermillion county;

An act to change a part of the state road from Mauk's ferry to Indianapolis, and for other purposes;

A joint resolution of the General Assembly relative to the improvement of a harbour on Lake Michigan;

A memorial of the General Assembly of the state of Indiana,

on the subject of a mail route from the falls of Ohio to Indianapolis, by the way of Columbus in Bartholomew county; and
An act for the relief of the collector of Fayette county.

And then the House adjourned until to-morrow morning nine o'clock.

WEDNESDAY MORNING, JANUARY 5, 1831.

The House met pursuant to adjournment.

Mr. Long presented a petition of Joseph Mitchell and others, praying the location of a state road from Rushville to Greenfield;

Which was read and referred to the same select committee to which former petitions on that subject were referred.

Mr. Holman presented a petition of sundry citizens of Cass county, praying that the Michigan road may be opened sixty-six feet wide, and graded from the Wabash to the St. Joseph river;

Which was read and referred to the committee on roads.

Mr. Finley from the select committee to which was referred the petition of David Branson and others, reported a bill for the formation of a new county north of Madison county;

Which was read the first time and passed to a second reading.

A message from the Senate by Mr. Morris, their assistant secretary:

Mr. Speaker;

The Senate have concurred in the report of the committee of free conference, appointed to take into consideration the subject matter of the disagreeing votes of the two Houses, on the 3d amendment proposed by the Senate, to engrossed bill from the House of Representatives, entitled "an act establishing a county treasurer."

They have passed an engrossed bill from the House of Representatives, entitled,

"An act to provide for semi-annual fairs in the counties of Floyd and Switzerland," without amendment.

The following message was received from the Senate by Mr. Morris, their assistant secretary:

Mr. Speaker;

The Senate have concurred in the amendments of the House

of Representatives to the engrossed bill of the Senate entitled, "An act authorising the appointment of constables and defining their duties."

They have passed an engrossed bill of the Senate, entitled, "An act authorising the inhabitants of the town of Salem to become incorporated;

In which the concurrence of the House of Representatives is requested.

The engrossed bill of the Senate named in said message was twice read, (the rules of the House having first been dispensed with,) and passed to a third reading to-morrow.

The House then proceeded to consider the orders the day.

The bill to establish a state library was read the second time.

Mr. Read of D. and M. moved that the blank in the second line of the 7th section thereof, be filled with the words "\$500."

Mr. Ferris named "\$100;" and

Before the question was put thereon,

Mr. Hoover moved that said bill be committed to a committee of the whole House for to-morrow;

Which motion was carried in the affirmative.

Mr. Worth from the joint committee on enrolled bills, reported,

That they had compared the enrolled with the engrossed bills, joint resolutions and memorials, entitled

"An act concerning apprentices."

"An act for the formation of congressional districts, and for the election of Senators and Representatives in Congress.

"A joint resolution on the subject of the steam mill proposed to be erected on the donation near Indianapolis.

"Memorial and joint resolution of the General Assembly of the state of Indiana on the improvement of the navigation of the Wabash river."

"A memorial of the General Assembly of the state of Indiana, relative to the improvement of the navigation of the Ohio river."

And found the same truly enrolled;

When the speaker signed said bills, joint resolutions and memorials:

Ordered, That the clerk carry them to the Senate for the signature of their president.

The bill to authorise the vacation of towns,

Was read the second time and committed to a committee of the whole House for to-morrow.

On motion of Mr. Kinney,

The engrossed bill from the Senate to regulate the mode of doing county business in the several counties in this state,

Was ordered to lie on the table.

The engrossed bill respecting free negroes and mulattoes, servants and slaves,

Was read the third time, and the question being put,

"Shall said bill pass?"

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Bence, Bussell, Casey, Claypool, Coffin, Decker, Dowden, Gardner, Hall, Hamilton, Herod, Hillis, Lane, Logan, Lynd, McPheeters, Parks, Pitcher, Pollock, Read of D. and M., Reiley, Roe, Russell, Schoonover, Stewart, Wallace of J., Work, and Worth—28

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bell, Bentley, Boon, Brown, Craig, Crume, Dumont, Elliott, Ferris, Finley, Galletely, Hankins, Hendricks, Holman, Hoover, Kinney, Levenworth, Long, Lowry, McNary, Owens, Paddacks Reid of F., Skeen, Smiley, Soper, Wallace of F., Wright, Zenor and Howk, Speaker—32:
And so said bill was rejected.

The engrossed bill to vacate a part of Water-street in the town of Greencastle; and

The engrossed bill authorising a review of part of the state road leading from Bono *via* Bedford to Terre-Haute,

Were severally read the third time and passed.

Ordered, That said bills be entitled acts, and that the clerk carry them to the Senate and ask their concurrence.

Mr. Herod from the committee of revision, after having obtained leave, reported a bill respecting salines, salt-petre caves and saline reserves;

Which was twice read, (the rules of the House having first been dispensed with,) and committed to a committee of the whole House for to-morrow.

The engrossed bill for the appointment of county surveyor's and their deputies,

Was read the third time, amended by unanimous consent and passed.

Ordered, That the same be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

The engrossed bill for assessing and collecting the revenue;
Was read the third time.

Mr. Craig moved that said bill be recommitted to a select committee with instructions to amend the same by striking out of the eighth line and 28th section thereof, the word "two," and inserting in lieu thereof, the word "four," (being the time allowed for the redemption of lands sold for taxes.)

Mr. Cruve moved to amend said instructions, so that said select committee be instructed further to amend the second section thereof, in such manner as to allow the boards doing county business to lay a tax on brass clocks and gold watches, of any sum not exceeding seventy-five cents; and on silver, pinch-back, or composition watches, not exceeding twenty-five cents;

Which motion was decided in the negative; and then

The question being put on said motion to recommit,

It was decided in the negative; and

Upon the question, "Shall said bill pass?"

It carried in the affirmative.

And then the House adjourned till 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. McNary,

The vote taken this day on the passage of the bill respecting free negroes and mulattoes, servants and slaves, was reconsidered.

Mr. Hall moved that said bill be recommitted to a select committee with instructions to amend the same by striking out therefrom, the second, third and sixth sections, which read in the words following, to-wit:

"Sec. 2. Every black or mulatto person who shall come into this state after the first day of July next, and not having such certificate as is required by the first section of this act, shall be deemed a runaway slave or servant, and it shall be lawful for any inhabitant of this state to take such black or mulatto person before some justice of the peace, near the place of arrest, and should such black or mulatto person not produce such certificate as aforesaid, it shall be the duty of such justice, to cause such black or mulatto person to be committed to the custody of the sheriff of the county, who shall keep such black or mulatto person, and in three days after being committed by him, he shall advertise the said person so received and committed, at the court house door, and also transmit a notice and cause the same to be advertised for six weeks in some public

news-paper printed nearest to the place of apprehending such black person, or mulatto, stating a description of the most remarkable features of said supposed runaway. And if such person so committed shall not produce a certificate properly authenticated of his or her freedom, within the said six weeks, it shall be the duty of the said sheriff to hire him or her out for the best price he can get, first having given five days previous notice, by three manuscript advertisements, to be posted up in three of the most public places in the county, from month to month, for the space of one year, at the expiration of which time, if no owner shall appear to substantiate his claim, the sheriff shall give a certificate to such black or mulatto person, who, on producing the same to the next board doing county business, may obtain, and shall receive, a certificate under the seal of the said board, stating the facts, and that such person shall be deemed free, unless he or she shall be lawfully claimed by his or her proper owner or owners thereafter. And as a reward to the taker up of such negro or mulatto, there shall be paid by the owner, if any, before he shall receive him or her from the sheriff, ten dollars, and also to the sheriff, for the use of the justice, two dollars, and reasonable costs for taking such runaway to the sheriff; and also to the sheriff all legal fees for keeping such persons as other prisoners; likewise, the sum of one dollar for each time of advertising and hiring out said runaway: *Provided*, however, that the proper owner, if any there be, shall be entitled to the hire of any such runaway from the the sheriff, after deducting the expenses aforesaid, for advertising and hiring out. And provided also, that the taker up shall have a right to claim any reward which the owner shall have offered for the apprehension of such runaway, in which case, he shall not be entitled to the reward allowed by this act.

Sec. 3. If any negro or mulatto, being the property of a citizen of the United States, residing without this state, shall hereafter come therein, for the purpose of hiring himself or herself to labor, and shall institute, or cause to be instituted, any suit or proceedings for the purpose of procuring his or her freedom, it shall be the duty of the court before which the same shall be depending, by being satisfied by sufficient and proper affidavit, that such negro or mulatto came into the state for the purpose aforesaid, to dismiss such suit or proceeding, and cause the same to be certified to the sheriff of the county, who shall immediately take possession of said negro or mulatto, and confine him or her in the jail of the county, and immediately notify the owner of such commitment, in order that he may make application for the recovery of such fugitive. And it shall be the duty of such

sheriff, on such application being made, upon receiving his reasonable costs and charges to deliver to said owner or his agent, such negro or mulatto slave.

Sec. 6. The said negro or mulatto shall, within the times specified in the first section of this act, after his or her being thus introduced, or being brought into this state, as in the preceding section, enter into bond and security, as herein before provided, or be dealt with, or disposed of according to the provisions of this act."

And to insert in lieu thereof, the following:

"Sec. 2. Every black or mulatto person who shall come into this state after the first day of July next, and shall not produce such certificate and give such bond as is required by the first section of this act, shall be deemed a pauper; and as such shall be liable to be removed without the jurisdiction of this state, in such manner and under the same rules and regulations as are pointed out in an act entitled "an act for the relief of the poor," approved January 30th, 1829. And it is hereby made the duty of all sheriffs, coroners, constables and overseers of the poor to carry the provisions of this act into effect."

Mr. Kinney moved that said instructions be amended by adding thereto the following, viz: "With leave to said committee to make such other amendments as they shall think proper;"

Which motion passed in the affirmative.

And on the question to recommit said bill with said instructions as amended,

It was carried in the affirmative.

Ordered, That Messrs. Hall, Dumont, Kinney, Ferris and Hillis, be that committee.

On motion of Mr. Hillis,

The committee of the whole House, to which was committed the bill relative to county boundaries, was discharged from the further consideration thereof.

Ordered That said bill do lie on the table.

The House then resolved itself into a committee of the whole on the engrossed bill from the Senate subjecting real and personal estate to execution, and after some time spent therein, the speaker resumed the chair, and Mr. Elliott reported the same with sundry amendments;

Which were read and concurred in by the House.

Mr. Kinney moved further to amend said bill, by adding thereto, the following, as an additional section, viz:

Sec. Whenever the money secured by any mortgage

shall have been due one year, and the mortgager or mortgagers, or either of them is or are resident in this state, it shall be lawful for such mortgagee to deliver said mortgage to the sheriff of the county where the mortgaged premises are situated, who is hereby authorized and required to give three months notice in the most convenient newspaper for ten weeks successively, that he will at the court house door in such county, sell the mortgaged premises at public auction, for the money secured by the mortgage, and costs of sale, which notice shall describe the mortgaged premises, the amount of money, for which the same are to be sold, and the parties thereto: *Provided*, that if the mortgager or mortgagers shall not be satisfied with such proceeding, he or they may file his or their bill at any time before sale thereof to redeem, in the circuit court of the county, and give notice thereof to the said sheriff, who shall desist from any further proceedings therein; and upon the final hearing of said bill, the court shall make the same decree as upon a bill to foreclose, as provided by law; but if the mortgager or mortgagers shall not file his or their bill as aforesaid, the said sheriff shall proceed to sell and convey the mortgaged premises, in the manner as now provided by law, after a decree of foreclosure: *Provided, also*, that in all cases the mortgagee or mortgagees, his, her, or their heirs or assigns may become the purchaser of the mortgaged premises, at any sale thereof provided for by law."

Which motion was decided in the negative.

Mr. Bussell moved to amend said bill by adding the following as an additional section, viz:

"Sec. That whenever any judgment defendant or defendants shall fail or neglect to replevy any judgment obtained against him, her, or them, and execution on said judgment be issued, it shall be the duty of the officer, serving such execution, to sell any property by him levied on, on a credit equal to the time such judgment might have been replevied, taking from the purchaser or purchasers a bond with freehold security, payable to the execution plaintiff, which bond shall be returned with the execution, and have the same force and effect of judgments, on which bond execution may issue, as on other judgments, and on which execution, no stay or replevy shall be had;"

Which motion was decided in the negative.

Mr. Wallace of J. moved to amend said bill by adding to the fourth section these words: "On all debts hereafter contracted there shall be exempt from execution in addition to the articles now exempt, one horse creature, not exceeding twenty dollars in value, to be appraised by two householders."

Mr. Kinney moved to amend said amendment, by adding thereto these words, "unless the creditor will take it at its value" and

Before the question was put on said motion,

The House adjourned till to-morrow morning nine o'clock.

THURSDAY MORNING, JANUARY 6, 1831.

The House met pursuant to adjournment.

Mr. Craig entered the following protest against the passage of the "engrossed bill for assessing and collecting the revenue" which passed this House yesterday, viz:

"Mr. Craig, under a sense of duty he owes to his constituents, begs leave to file the following protest against a section of the revenue law, which has passed this House;

First, because the time and manner of selling land belonging to non-residents is only a bone of contention, and the base of law suits, which must involve our state in a scene of trouble and Kentucky contention.

The General Government has laid down a foundation for peace and happiness in this now happy land, by providing a way to settle all land claims; but we are seeking out many inventions to destroy that peace and happiness which now reigns amongst us. At this time we have no bass string for law and contention; but how long will it be? Oh, think and reflect! What will it be when one half of our lands are sold and deeded away for taxes. The hard earnings of our fathers are taken from us by corrupt men in office, and we legislators becoming the purchasers. Then what think you will be the issue of the impropriety of refusing strangers and non-residents the right of redemption to three years, and turn round and sell and deed it away in two years, without any redemption after two years. Although you make them pay one hundred per cent. per annum, yet you are opposed to give them one year more to redeem the only spot that their fathers labored hard for, and have come to this goodly land because Congress has made them rights free from litigation; but you by your laws have decreed it otherwise. This seems to be at open war with the rights of man; you have likewise refused strangers and non-residents the chance of paying their taxes in advance.

Under these considerations we must reflect that such a course of legislation will soon bring us into a state of confusion

and contempt, and is at war with the rights of true republicanism.

GEORGE CRAIG."

The House resumed the consideration of the engrossed bill from the Senate, subjecting real and personal estate to execution depending at the last adjournment, and

The question being put on the motion made by Mr. Kinney to amend the amendment proposed by Mr. Wallace of J.;

It was decided in the negative.

Mr. Boon moved to amend said amendment by adding thereto the following:

"And if there is any person who is too poor to buy and pay for a horse, on his producing evidence thereof to the auditor, the auditor shall audit, and the treasurer of state shall pay him the sum of twenty dollars;"

Which motion was decided in the negative.

Mr. Holman moved to amend said amendment by inserting therein after the word "horse" these words "or one pair of oxen,"

Which motion was carried in the affirmative.

Mr. Soper moved further to amend said proposed amendment by adding thereto these words "or other property to the amount of twenty dollars at the option of the defendant in execution."

Which motion was decided in the negative.

Mr. Kinney moved further to amend said amendment by adding thereto the following, "or if he have no horse or oxen, provision for his family for one year, including the provision now exempt by law;"

Which motion was decided in the negative.

The question then recurring on the amendment proposed by Mr. Wallace of J., as amended,

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Bell, Claypool, Craig, Decker, Dumont, Elliott, Galletely, Gardner, Hall, Hankins, Hendricks, Herod, Hillis, Holman, Hoover, Lane, Levenworth, Long, McNary, Read of D. and M., Reiley, Russell, Semans, Smiley, Soper, Stewart, Wallace of J., and Worth—28.

And those who voted in the negative are,

Messrs. Armstrong, Beard, Bence, Bentley, Boon, Brown, Bussell, Casey, Coffin, Crume, Dowden, Ferris, Finley, Hamil-

ton, Kinney, Logan, Lowry, Lynd, M'Pheeters, Owens, Pad-
dacks, Parks, Fitcher, Pollock, Reid of F., Roe, Schooner,
Skeen, Wallace of F., Work, Wright, Zenor, and Howk, Speak-
er—33.

And so said motion was decided in the negative;

The amendments to said bill were then ordered to be en-
grossed and the bill read a third time to-morrow-

Mr. Hoover presented a petition of Samuel Pierce and oth-
ers, praying the formation of a new county, to be called Fulton,
north of Delaware and Madison counties;

Which was read and referred to the select committee here-
tofore appointed to lay off the country between Logansport and
Fort Wayne into new counties.

Mr. Reily presented a petition of sundry citizens of Knox
county, praying certain amendments to the act of 1824 upon
the subject of ferries, and the confirmation of certain privileges
to former grantees of ferries;

Which was read and ordered to lie on the table.

On motion of Mr. Holman,

Messrs. Finley, Semans and Bell, were added to the select
committee heretofore appointed to lay off sundry new counties.

Mr. Pollock from the committee on roads, made the follow-
ing report:

The committee on roads to which was referred, the report
of the Michigan Road contract commissioner, have had the
same under consideration, and instructed me to report as fol-
lows:

The said commissioner commenced selling out said road in
sections of one mile each, as directed by law, and to suit public
convenience. The sales commenced at Madison on the 1st
day of July, and ended at Logansport on the third Monday of
the same month, and, were held at the following places, to-wit:

At Madison for the sale of	15 sections
“ Mr. Brown's,	10 sections
“ Napoleon,	10 sections
“ Greensburgh,	15 sections
“ French's Inn,	11 sections
“ Indianapolis,	25 sections
“ Capt. Lowe's on Eagle Creek,	20 sections
“ Logansport,	32 sections

Making the distance from Madison to the Wabash near Lo-
gansport, 163 miles. The aggregate amount of sales are

\$62135 85, making an average of \$381 20 per mile. Bond and security have been taken of contractors, conditioned for opening the road 100 feet wide, grubbing 30 feet of the centre, and completing it in all respects, as required by law by the 30th day of November of the present year. The opening of the road was commenced by most contractors soon after the contracts were closed, but its progress was arrested by the alarm and apprehension of a recent decision in regard to the lands obtained and intended for said road: your committee, however is of the opinion, that this matter will be settled to the satisfaction of all concerned, before any serious difficulties can result therefrom.

The attention of the committee was likewise called to the scrip hereafter to be granted to the contractors, and some extra expenses incurred in the location of said road, and to meet these considerations, have instructed me to report

A bill concerning the scrip to be granted to the Michigan road contractors, and for other purposes;"

The said bill was read the first time and passed to a second reading.

Mr. Galletely from the committee on canals and internal improvements, to which was referred the petition of David Cooper and others, on that subject, reported a bill declaring Tuck creek a public highway, and for other purposes therein named;

Which was read the first time and passed to a second reading.

Mr. Reiley from the select committee to which was referred the petition of Solomon Shuler, reported a bill to authorise William Polk to convey certain land to Jane Shuler;

Which was read the first time and passed to a second reading.

Mr. Finley from the select committee to which was referred the petition of sundry citizens of Wayne county on that subject, reported a bill to establish a state road from Richmond in Wayne county, to Fort Wayne in Allen county;

Which was read the first time, and passed to a second reading.

Mr. Kinney from the committee of revision, reported a bill for opening and repairing public roads and highways;

Which was twice read (the rules of the House having first been dispensed with) and committed to a committee of the whole House for to-morrow.

On motion of Mr. Galletely,
Leave was given to him to withdraw the petition of Ephraim
Goss and others;

And then the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

Mr. Elliott from the joint committee on enrolled bills reported that they did on this day, present to the Governor for his approval and signature, the following enrolled bills, joint memorials, and joint resolution, to-wit:

An act concerning apprentices,

An act for the formation of congressional districts, and for the election of Senators and representatives in Congress,

Memorial and joint resolution of the General Assembly of the state of Indiana on the improvement of the navigation of the Wabash river,

A memorial of the General Assembly of the state of Indiana, relative to improvement of the navigation of the Ohio river,

A joint resolution on the subject of the steam mill proposed to be erected on the donation near Indianapolis.

Mr. Long from the select committee to which was referred the petition of sundry citizens of Rush and Hancock counties, reported a bill to establish a state road from Rushville in Rush county, to Greenfield in Hancock county;

Which was read the first time and passed to a second reading.

Mr. Hall from the select committee to which was referred the petition of O. P. Gram. reported a bill to authorise the circuit court of the county of Posey, to change the venue in a certain case therein named;

Which was read the first time, and passed to a second reading.

Mr. Pitcher from the select committee to which was referred a petition and sundry remonstrances on the subject of a mill dam across Little Pigeon creek, reported a bill for the relief of Alpha Frisby;

Which was read the first time and passed to a second reading.

A message was received from the Governor by Mr. Heylin his private secretary, notifying that,

He did on this day approve and sign the following acts, to-wit:

An act for the relief of purchasers of out-lots adjoining the town of Indianapolis,

An act confirming to John J. Akin, Alexander Walker and John J. Livingston, certain rights,

An act for the relief of the collector of Fayette county,

An act authorising Matthew Flinn to convey certain lots in the town of Leesville,

An act to vacate a part of a certain state road therein named, and for other purposes,

An act for the relief of Samuel Hanna,

An act for the relief of James Faris, Trustee of the county seminary of Dubois county: also

A joint resolution of the General Assembly of the state of Indiana, relative to certain roads therein named;

All of which have been filed in the office of the secretary of state.

On motion of Mr. Ferris,

The joint resolution on the subject of public printing, heretofore laid on the table, was taken up;

Ordered, That said joint resolution be engrossed and read a third time to-morrow.

Mr. Russell moved the following resolution:

Resolved, That the agent of state for the town of Indianapolis, be required forthwith to employ some suitable person to ascertain by actual survey and measurement the distance from the several sides of the plat of the town of Indianapolis to the corresponding boundaries of the donation, and to make out for the use of this House, a map on a scale sufficient to exhibit the donation with the town laid down thereon, so as to shew its relative situation and extent of the unsold lands belonging to the state, around the said town, and noting the entrance of the several roads; the map to designate a plan on which such unsold lands shall be laid out for sale, to the best advantage, in 4, 6, 8, 10, and 20 acre tracts.

Mr. Galletely moved so to amend said resolution as to require said agent to return to this House an outline only of the donation lands, instead of laying off the lots as therein specified;

Which motion was decided in the negative, and

On the question to adopt the resolution,

It was carried in the affirmative.

On motion of Mr. Elliott,

The engrossed bill from the senate regulating the mode of doing county business in the several counties in this state, heretofore laid on the table, was taken up;

The said bill was read the third time and amended by unanimous consent.

Mr. Levenworth moved that said bill be recommitted to a select committee with instructions to amend the same by striking it out from the enacting clause and inserting in lieu thereof the act approved January 31st 1824, authorising a board of Justices for the transacting county business, with a provision for the election of constables and inspectors of elections, and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Bence, Bentley, Coffin, Dumont, Hendricks, Herod, Hoover, Levenworth, Lowry, Roe, Schoonover, Semans, So-Wright, Zenor, and Howk, Speaker—16.

And those who voted in the negative, are,

Messrs. Armstrong, Beard Bell, Boon, Brown, Bussell, Casey, Claypool, Craig, Crume, Decker, Dowden, Elliott, Ferris, Finley, Galletely, Hall, Hamilton, Hillis, Holman, Kinney, Lane, Logan, Long, Lynd, M'Nary, McPheeters, Owens, Paddacks, Parks, Pitcher, Pollock, Read of D. and M., Reid of F., Reiley, Russell, Skeen, Smiley, Stewart, Wallace of F., Wallace of J., Work and Worth—42.

And so said motion was decided in the negative.

The question was then put;

"Shall the bill pass?" and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Beard, Bell, Boon, Brown, Bussell, Casey, Claypool, Craig, Decker, Dowden, Elliott, Ferris, Finley, Galletely, Hall, Hamilton, Herod, Holman, Kinney, Lane, Logan, Long, Lynd, McNary, McPheeters, Owens, Paddacks, Parks, Pitcher, Reid of F., Reiley, Russell, Smiley, Stewart, Wallace of F., Wallace of J., Work, Worth, and Wright—40.

And those who voted in the negative, are,

Messrs. Bence, Bentley, Coffin, Crume, Dumont, Hendricks, Hillis, Hoover, Levenworth, Lowry, Pollock, Read of D. and M., Roe, Schoonover, Semans, Skeen, Soper, Zenor, and Howk Speaker—19:

And so said bill passed.

Ordered, That the clerk inform the Senate and ask their concurrence in the amendments.

The following message was received from the Senate on yesterday by Mr. Morris their assistant secretary:

Mr. Speaker,

The senate have passed engrossed bills of the House of Representatives entitled acts, as follows, viz.

An act to incorporate the Lawrence county Seminary, and

An act to establish the town of Dayton, without amendment:

They have also passed bills of the Senate, entitled acts, as follows:

An act to regulate general elections.

An act to provide for electing county and township officers, and

An act to provide for a state road from Merom to some point on the Terre-Haute and Bono state road, in which the concurrence of the Senate is requested.

The Senate has adopted sundry resolutions on the subject of the house on the Governor's circle, and preparing a plan for a state house, herewith reported; in which the concurrence of the House of Representatives, is requested;

Which resolutions are as follows, to-wit:

Resolved by the Senate, That the agent of the town of Indianapolis, be directed forthwith, to cause to be fitted and prepared in a proper manner, apartments in the house now erected on the circle called the Governor's circle, for the reception of the offices of the Treasurer of State, Auditor of Public Accounts, Secretary of State, Agent of the town of Indianapolis, and Agent of the three per cent. fund. That said agent of the town of Indianapolis shall consult with the several officers as to the manner of preparing their several apartments, and shall if the treasurer require it, cause to be made a secure, lasting, and permanent fire proof vault under the apartment prepared for the treasury, communicating therewith by a sufficient trap door, so as to secure and protect the books, papers and funds of said department from thieves, robbers and fire.

Resolved, That the said agent of the town of Indianapolis be further directed forthwith to cause the cellars under said building to be cleaned, and proper and sufficient doors to be made to enable him to shut the same and keep it clean; and further forthwith to cause the roof and other parts of said building to be effectually repaired and kept in repair; and further to cause to be erected the necessary out-buildings in the most proper place.

Resolved, That the said agent of the said town be further directed forthwith to offer a premium of one hundred and fifty dollars for the best plan of a state house to be built on the state

house square in the town of Indianapolis, the cost of which shall not exceed fifty thousand dollars, to be approved of by the General Assembly of the state of Indiana; and that said agent shall make his proposition known by publishing it four weeks in a newspaper in the cities of New-York, Philadelphia and Cincinnati, and in the towns of Frankfort Kentucky, and Indianapolis Indiana, which said notice or publication shall state that the house is to be built with brick upon a hewn stone foundation, and to be so constructed as to have two legislative halls, one to accommodate one hundred, and the other fifty members, and also to have a sufficient number of committee and office rooms: and such notice or publication shall also contain the price of brick and hewn stone at the town of Indianapolis: and that the said agent shall on the third day of the next General Assembly, lay all the plans, drafts and models of a state house, together with the names and places of residence of the persons from whom he received them, before the General Assembly, for their approval or rejection.

Resolved, That the House of Representatives be informed of the adoption of these resolutions, and their concurrence therein requested.

Adopted in Senate, January 5th, 1831.

FARNHAM, *Secretary*.

The two bills from the Senate first and secondly in said Message named,

Were severally read the first and second times, (the rules of the House having first been dispensed with,) and committed to a committee of the whole House for to-morrow.

The bill from the Senate last in said message named,

Was twice read (the rules of the House having first been dispensed with) and ordered to be referred to a select committee of Messrs. Boon, Galletely and Parks.

The following message was received from the Senate on yesterday, by Mr. Morris their assistant secretary:

Mr. Speaker—

The Senate have passed an engrossed bill of the House of Representatives, entitled,

An act concerning proceedings in ejectment, and for the relief of occupying claimants of land, without amendment; and also,

A joint resolution of the General Assembly of the state of Indiana originating in the Senate, on behalf of the Representatives of the late John Cleves Symmes Harrison, in which reso-

lution the concurrence of the House of Representatives is requested.

The said joint resolution from the senate, named in said message;

Was read the first time and passed to a second reading.

The House then proceeded to consider the orders of the day:

The bill supplemental to an act providing means for the construction of the Wabash and Erie canal;

Was read the second time and committed to a committee of the whole House for Monday next;

The bill for the formation of a new county north of Madison county,

Was read the second time and referred to the select committee heretofore appointed to lay off the country between Logansport and Fort Wayne, into new counties;

The engrossed bill from the Senate, authorising the inhabitants of the town of Salem to become incorporated,

Was read the third time and passed;

Ordered, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Morris their assistant secretary:

Mr. Speaker—

The Senate have passed engrossed bills from the House of Representatives, entitled:

An act to establish a state road from Washington in Wayne county, to Newcastle in Henry county;

An act to legalize the proceedings of the Board of Commissioners of Perry county, and

An act to locate a state road from Newcastle in Henry county, to Milton in Wayne county, without amendment.

The House resolved itself into a committee of the whole on the engrossed bill from the Senate for the prevention of frauds and perjuries; and after some time spent therein, the speaker resumed the chair and Mr. Ferris reported progress, and asked leave to sit again,

Which leave was granted;

And then the House adjourned until to-morrow morning nine o'clock.

THURSDAY MORNING, JANUARY 7, 1831.

The House met pursuant to adjournment.

Mr. Worth from the joint committee on enrolled bills, reported,

That they had compared the enrolled with the engrossed bills entitled

An act to incorporate the Lawrence county Seminary;

An act to establish the town of Dayton;

An act to provide for semi-annual fairs in the counties of Floyd and Switzerland;

An act establishing a county treasurer:

And found the same truly enrolled; when

The Speaker signed said bills.

Ordered, That the clerk carry them to the Senate for the signature of their president.

Mr. Pollock presented a second petition of Jonathan Woodbury, praying articles of impeachment against sundry officers in Dearborn county;

Which was read, and,

On motion of Mr. Crume,

Ordered to lie on the table.

Mr. Pollock from the committee on roads, to which was referred resolutions of this House—First, to enquire into the expediency of so amending the road law, as to require petitioners for a change in any state road, to give notice either in the nearest newspaper, or, in writing, in three of the most public places adjacent to the place proposed to be changed, at least three months prior to the meetings of the legislature.

Second, that the committee on roads, be instructed to enquire into the expediency of adopting a uniform system of working on roads.

Third, that the committee on roads be instructed to enquire into the expediency of making it the duty of the sheriffs to administer an oath to each supervisor of the roads, at the time he delivers them their appointments; also, providing by law a more summary mode of punishing supervisors for neglect of duty; and

Fourthly, that the committee on roads, be instructed to enquire into the expediency of repealing the present road law, and to report a bill more efficient in its provision, without making the law more burthensome in its effects, reported,

That they have had the same under consideration; and, as the committee of revision has reported a road bill to this House, which will give the movers of the above resolutions, an oppor-

tunity to place therein what they have designed as amendments to said law, are of opinion that it is inexpedient for them to take any further notice of the above resolutions, at this time;

Which report was read and concurred in by the House.

Mr. Gardner moved the following resolution:

Resolved, That a select committee be appointed to enquire into the expediency of offering a premium of to any person who shall discover a sufficient quantity of salt water in the state of Indiana, to enable the person finding the same to make twenty bushels of salt every twenty-four hours, and report by bill or otherwise.

Mr. Dumont moved to fill the blank in said resolution, with the words "\$500."

Mr. Bussell proposed "\$1000;"

Which passed in the affirmative.

The said resolution, as amended, was then adopted.

Ordered, That Messrs. Gardner, Craig, Bussell, M'Nary and Wallace of Jefferson be that committee.

Mr. Dowden, after having obtained leave, presented a bill making an appropriation of \$400 for opening the state road from Lawrenceburgh to Rushville;

Which was read the first time and passed to a second reading.

Mr. Holman, after having obtained leave, presented a bill for the formation of a new county east of the county of Cass and for other other purposes;

Which was twice read (the rules of the House having first been dispensed with) and committed to a committee of the whole House for to-morrow.

The House then proceeded to consider the orders of the day:

The bill concerning the scrip to be granted to the Michigan road contractors and for other purposes, was read the second time and committed to a committee of the whole House for to-morrow.

The bill declaring Lick creek a public highway and for other purposes therein named was read the second time, and ordered to lie on the table.

The bill to authorize William Polk to convey certain land to Jane Shuler,

The bill to establish a state road from Richmond in Wayne county to Fort Wayne in Allen county, and

The bill to authorize the Circuit Court of the county of Po-

sey to change the venue in a certain case therein named, were severally read the second time and ordered to be engrossed and read a third time to-morrow.

The bill to establish a state road from Rushville, in Rush county, to Greenfield in Hancock county was read the second time, and

On motion of Mr. Bussell,

Was amended by inserting in the second line of the fourth section, after the word "dollar," these words, "and fifty cents."

The said bill was then ordered to be engrossed and read a third time to-morrow.

The engrossed joint resolution from the Senate, in behalf of the representatives of the late John Cleves Symmes Harrison, was read the second time.

Mr. Long moved that the further consideration thereof be indefinitely postponed,

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Bell, Bence, Bentley, Boon, Casey, Claypool, Cru ne, Dumont, Gardner, Hamilton, Lane, Logan, Long, Lowry, Lynd, M'Pheeters, Parks, Pitcher, Roe, Schoonover, Semans, Skeen, Smiley, Stewart and Wright—26.

And those who voted in the negative, are,

Messrs. Beard, Brown, Bussell, Coffin, Craig, Decker, Dowden, Elliott, Ferris, Finley, Galletely, Hall, Hendricks, Herod, Hillis, Hoover, Kinney, Levenworth, Owens, Paddacks, Pollock, Read of D. and M., Reid of F., Reiley, Russell, Sooper, Wallace of F., Wallace of J., Work, Worth, Zenor and Hawk, Speaker—32.

And so said motion was decided in the negative.

And then the House adjourned till 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment,

And resumed the consideration of the engrossed joint resolution from the Senate, in behalf of the representatives of the late John Cleves Symmes Harrison, depending at the last adjournment.

Mr. Wallace of F. moved that the said joint resolution be referred to a select committee;

Which motion was carried in the affirmative.

Ordered, That Messrs. Wallace of F., Hall and Reiley be that committee.

A message was received from the Governor, by Mr. Heylin his private secretary, notifying that he did, on this day, approve and sign—

A joint resolution on the subject of the steam mill proposed to be erected on the donation near Indianapolis; also,

A memorial of the General Assembly of the state of Indiana, relative to the improvement of the Ohio river.

Mr. Elliott from the joint committee on enrolled bills, reported,

That they did, on this day, present to the Governor for his approval and signature, the following enrolled bills entitled acts, to wit:

An act to incorporate the Lawrence county Seminary;

An act to establish the town of Dayton;

An act to establish a county treasurer;

An act to provide for semi-annual fairs in the counties of Floyd and Switzerland.

The bill for the relief of Alpha Frisby was read the second time and ordered to be engrossed and read a third time to-morrow.

The engrossed joint resolution relative to public printing was read the third time and ordered to lie on the table.

The engrossed bill from the Senate subjecting real and personal estate to execution was read the third time and passed.

Ordered, That the clerk inform the Senate.

The House again resolved itself into a committee of the whole on the engrossed bill from the Senate for the prevention of frauds and perjuries; and after some time spent therein, the Speaker resumed the chair, and Mr. Finley reported the same with sundry amendments;

Which were read and concurred in by the House.

The said amendments were then ordered to be engrossed and the bill read a third time to-morrow.

A message from the Senate, by Mr. Morris their assistant secretary:

Mr. Speaker,

The Senate have concurred in the first, second, third and

fifth amendments of the House of Representatives, to the engrossed bill of the Senate, entitled An act to regulate the mode of doing county business in the several counties of this state—to the first and fifth with amendments.

They disagree to the fourth and sixth amendments proposed by the House to said bill.

The amendments proposed by the senate to the first and fifth amendments of the House to said bill, were read and agreed to by the House, and

The House receded from the fourth and sixth amendments proposed by them to said bill.

Ordered, That the clerk inform the Senate thereof.

The House resolved itself into a committee of the whole, on the bill to amend an act entitled an act regulating the taking up of animals going estray, approved January 7, 1824; and after some time spent therein the Speaker resumed the chair and Mr. Galletely reported the same with sundry amendments;

Which were read and concurred in by the House.

Mr. Bussell moved to recommit said bill to a select committee;

Which motion was decided in the negative, and

On motion of Mr. Roe,

The further consideration of said bill was indefinitely postponed.

The House resolved itself into a committee of the whole on the bill to regulate grist mills and millers, and after some time spent therein, the Speaker resumed the chair, and Mr. Gardner reported the same with sundry amendments;

Which were read and concurred in by the House.

The said bill was then ordered to be engrossed and read a third time to-morrow.

The House resolved itself into a committee of the whole, on the bill authorizing a travelling penitentiary; and after some time spent therein the Speaker resumed the chair, and Mr. Hamilton reported the same with sundry amendments;

Which were read and concurred in by the House.

Mr. Boon moved that the further consideration of said bill be indefinitely postponed:

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Beard, Bell, Bence, Bentley, Boon, Brown, Claypool, Coffin, Crume, Decker, Dowden, Elliott, Ferris, Finley, Gardner, Hamilton, Hendricks, Lane, Logan, Long, Lynd, McNary, NPPhoeters, Owens, Paddacks, Parks, Pitcher, Pol-

lock, Reid of F., Roe, Schoonover, Skeen, Soper, Worth, Wright, Zenor, and Hawk, Speaker—37.

And those who voted in the negative are,

Messrs. Armstrong, Russell, Casey, Craig, Dumont, Galletely, Billis, Holman, Hoover, Kinney, Levenworth, Lowry, Read of D. and M., Reiley, Russell, Smiley and Stewart—17.

And so the further consideration of said bill was indefinitely postponed.

And then the House adjourned until to-morrow morning nine o'clock.

SATURDAY MORNING, JANUARY 8, 1831.

The House met pursuant to adjournment.

Mr. Holman presented two petitions of citizens of Elkhart county, severally praying the appointment of commissioners to re-locate their seat of justice;

Which were read and referred to the same select committee to which was referred a former petition on that subject.

Mr. Galletely presented a petition of sundry citizens of Owen county, praying the location of the state road from Wood's ferry on the east fork of White river via Spencer to Greencastle;

Which was read and referred to the committee on roads.

Mr. Holman presented a petition of sundry citizens of Allen county, praying a change in the time of holding their circuit courts;

Which was read and ordered to lie on the table.

Mr. Holman presented a petition of sundry citizens of Elkhart county, praying an appropriation from the three per cent. fund to open a state road from Fort Wayne via the county seat of Elkhart to the county seat of Saint Joseph;

Which was read and referred to the committee on roads.

Mr. Stewart presented three several petitions of citizens of sundry citizens of Pike county, praying memorials to congress in favour of Thomas Mead, Henry B. Merrick and Robert Johnson, revolutionary soldiers, respectively;

Which were read and referred to a select committee of Messrs. Stewart, Casey and Hall.

Mr. Reiley presented a petition of sundry inhabitants of the

Borough of Vincennes, praying certain amendments to their act of incorporation;

Which was read and referred to a select committee of Messrs. Reiley, Decker and Read of D. and M.

Mr. Herod from the judiciary committee, to which were referred the petition of Jacob Blasdel and others, praying that certain streets and alleys may be vacated in the town of Cambridge, and the remonstrance of John Dawson against the same, reported that they have had the subject under consideration, and are of opinion that the prayer of the petitioner cannot be granted without interfering with vested rights, and therefore ought not to be granted; and ask to be discharged from the further consideration of that subject;

Which was read concurred in.

Ordered, That said committed be discharged from the further consideration of the subject aforesaid.

Mr. Holman from the select committee to which was referred the bill for the formation of a new county north of the county of Madison, and the petition of Samuel Pierce and others on that subject, reported said bill with an amendment;

Which was read, and,

On motion of Mr. Long,

Ordered, That said report, bill and proposed amendment do lie on the table.

Mr. Boon moved the following preamble and resolution viz:

Rotation in office being an established principle of our government it becomes the representatives of the people, guided by sound policy, to act upon it. The president of the United States, owing to his immense patronage, which is altogether under the approval of the senate of the United States, by the example of Washington and other worthies, is restrained from offering longer than a certain time. Our Governor and other state officers are restrained by law to certain periods of service; and it is thought a term of six years in the Senate of the United States is sufficient for any citizen of Indiana: Therefore,

Resolved, That it is the fixed opinion of this body, that no Senator of the United States should be elected to that important station until six years intervene after his first term of service expires, and the committee of revision be so instructed;

Which were read, and

On motion of Mr. Wallace of J.,

Ordered to lie on the table.

On motion of Mr. Long,

Resolved, That the committee on roads be instructed to in-

quire into the expediency of providing by law for the repairing of the state road from the Ohio state line via Richmond and Centreville to Indianapolis.

On motion of Mr. Hoover,

The bill relative to county boundaries, heretofore laid on on the table was taken up; and

Ordered To be recommitted to a committee of the whole House for Monday next.

The House then proceeded to consider the orders of the day:

The bill for opening of the state road leading from Lawrenceburgh to Rushville was read the second time, and

On motion of Mr. Gardner,

Ordered To be committed to a committee of the whole House for Monday next.

Engrossed bills of the House of the following titles, to-wit:

The bill for the relief of Alpha Frisby,

The bill to authorise the circuit court of the county of Posey to change the venue in a certain case therein named,

The bill to establish a state road from Richmond in Wayne county to Fort Wayne in Allen county,

The bill to authorise William Polk to convey certain land to Jane Shuler,

The bill to establish a state road from Rushville in Rush county to Greenfield in Hancock county, and

The bill regulating mills and millers,

Were severally read the third time and passed.

Ordered, That the same be entitled acts, and that the clerk carry them to the Senate and ask their concurrence.

The engrossed bill from the Senate for the prevention of frauds and perjuries,

Was read the third time and passed.

Ordered, That the clerk inform the Senate, and ask their concurrence in the amendments.

Mr. Worth from the joint committee on enrolled bills, reported,

That they had compared the enrolled with the engrossed bills, entitled,

An act authorising the inhabitants of the town of Salem to become incorporated.

An act for the relief of the subscribers to the building of the state prison.

An act to incorporate the Indiana Historical Society.

And found the same truly enrolled; when

The speaker signed said bills.

Ordered, That the clerk carry them to the Senate for the signature of their president.

A message was received from the Governor, by Mr. Heylin his private secretary, notifying that he did, on this day, approve and sign the following acts:

An act to provide for semi-annual fairs in the counties of Floyd and Switzerland;

An act to establish the town of Dayton;

An act to incorporate the Lawrence county Seminary; and

An act establishing a county treasurer:

All of which have been deposited in the office of the secretary of state.

The House resolved itself into a committee of the whole on the bill to authorise special sessions of the circuit court, and after sometime spent therein, the speaker resumed the chair, and Mr. Hall reported the same with one amendment;

Which was read, and

On the question to concur therein,

It was decided in the negative.

On motion of Mr. Finley,

The said bill was amended by adding at the end of the 6th section the following proviso:

"Provided that the judges and prosecutors shall not be required to attend any called court when the same would interfere with any regular court in their respective circuits."

Mr. Bentley moved further to amend said bill by striking out the second section thereof, which reads in these words, to-wit:

"Sec. 2. The sheriff shall summon eighteen men, to serve as a grand jury in said court, and eighteen men to serve as a traverse jury, who shall have the qualifications of jurors of the circuit court: *Provided that the prisoner shall have the same right of challenges as in other cases; which jurors shall receive no compensation;*"

And to insert in lieu thereof, the following:

"Sec. 2. The sheriff shall summon fifteen grand jurors, and twelve traverse jurors, who shall be allowed the same compensation as allowed by law; and the jurors failing to attend, the pannel shall be filled as in other cases;"

Which motion was decided in the negative.

Mr. Bently moved further to amend said bill, by adding the following proviso at the end of the sixth section:

“Provided, also, that no person imprisoned shall have the benefit of this law, when the circuit court will meet in 90 days after his imprisonment, in the county where said prisoner is confined in jail.”

Mr. Hillis moved to amendment, by striking out therefrom the word “90,” and inserting in lieu thereof the word “30;”

Which motion was decided in the negative, and

The question being put on the amendment proposed by Mr. Bently,

It was carried in the affirmative.

The said bill was then ordered to be engrossed and read a third time on Monday next.

Mr. Elliott from the joint committee on enrolled bills reported that they did on this day, present to the Governor for his approval and signature, the following enrolled bills, entitled acts, to-wit:

An act authorising the inhabitants of the town of Salem to become incorporated;

An act for the relief of the subscribers to the building of the state prison; and

An act to incorporate the Indiana Historical Society.

A message from the Senate by Mr. Morris their assistant secretary:

Mr. Speaker—

The Senate concur in the amendments made by the House of Representatives to the engrossed bill of the Senate, entitled, An act subjecting real and personal estate to execution.

They also concur in the first, third and fourth amendments proposed by the House of Representatives to the engrossed bill of the Senate, entitled,

An act for the prevention of frauds and perjuries;

But refuse to concur in the second and fifth amendments proposed to said bill.

On motion of Mr. Read of D. and M.,

The House receded from their said 2d amendment to the engrossed bill of the Senate, last named in said message.

On motion of Mr. Hall,

The House insisted on the fifth amendment proposed by them to said bill.

Ordered, That the Clerk inform the Senate thereof.

And then the House adjourned until Monday morning nine o'clock.

MONDAY MORNING, JANUARY 10, 1831.

The House met pursuant to adjournment.

Mr. Beard presented a remonstrance of Charles M. Heaton and others, against the formation of a new county out of the counties of Montgomery, Putnam and Parke;

Which was read and ordered to lie on the table.

Mr. Smiley presented a petition of sundry citizens of Johnston county, praying that so much of the Madison state road as lies between Mrs. Adams' and Sugar creek, be established, and that the route of said road between Sugar creek and the line of Johnston county, may be changed;

Which was read and referred to a select committee of Messrs. Smiley, Herod and Soper.

Mr. Skeen presented a petition of Sundry citizens of the county of Ripley, praying authority to the board of commissioners of said county to lay an additional and increased tax on polls and property for county purposes;

Which was read and referred to a select committee of Messrs. Skeen, Pollock and Dumont.

Mr. Lowry presented a petition of John Kimberlin, senior, praying relief; verified by the affidavit of Isaac Kimberlin and John Williams;

Which was read and referred to the same select committee to which a former petition on that subject was referred.

Mr. Holman presented a petition of sundry citizens, of St. Joseph county, praying the appointment of commissioners to re-locate the seat of justice of said county, with an accompanying document;

Which were read and referred to the select committee of Messrs. Holman, Seamans and Bell.

Mr. Pollock from the committee on roads to which was referred the petition of J. W. Randall and others, reported a bill providing for opening that part of the Michigan road, between Logansport in Cass county, and the county seat of St. Joseph county, at or near the southern bend of the St. Joseph river;

Which was read the first time and passed to a second reading.

Mr. Gardner, from the select committee to which was referred a resolution of this House on the subject of offering a premium to any person who shall discover a sufficient quantity of salt water to enable him to make twenty bushels of salt per day, reported a bill to encourage the manufacture of salt in the state of Indiana;

Which was read the first time and passed to a second reading.

Mr. McNary from the select committee to which was referred a petition of sundry citizens of Putnam county, praying for a change in the mode of doing their county business, reported that there has passed both houses, a general bill on that subject, and that it is therefore inexpedient to legislate further on that subject;

Which was read and concurred in.

Mr. Bussell moved the following resolution:

Resolved, That a select committee be appointed to enquire into the expediency of memorializing Congress to grant to each person who has served a tour of duty in the service of the United States in the late war, eighty acres of land, out of any land that may have been in market ten years, and not otherwise appropriated, and report by bill or otherwise.

Mr. Galletely moved to amend said resolution by inserting therein after the word "war," these words, "and also to each actual settler."

Mr. Craig moved to amend said amendment by adding thereto the following, "*Provided*, that such actual settler be not worth more than \$100;" and before the question was put,

Mr. Elliott moved to lay said resolution and proposed amendments on the table;

Which was decided in the negative.

The question was then put on said motion to amend the amendment,

And passed in the affirmative, and

The question recurring on said amendment as amended,

It was carried in the affirmative.

Mr. Hillis moved further to amend said resolution by inserting therein after the word "appropriated," the following: "and for a donation of 80 acres to each actual settler who shall have lived on the same for the space of five years, and who is not able to purchase land for himself;"

Which motion was carried in the affirmative.

Mr. Hoover moved further to amend said resolution by inserting therein after the word "appropriated," these words, "and eighty acres of land to the widow or heirs of such soldiers who fell in the late war;"

Which motion passed in the affirmative.

Mr. Herod moved further to amend said resolution by inserting therein after the words "late war" the following words: "to militia soldiers of the revolutionary war, and of the several Indian wars;"

Which was carried in the affirmative.

The question then recurring on the adoption of the resolution as amended,

It was decided in the negative.

The following message was received from the Senate by Mr. Morris their assistant secretary:

Mr. Speaker,

The Senate has adopted "A memorial and resolution for "a survey of the Maumee river, and for discretionay power to "apply that portion of our canal lands lying in Ohio, to improve "the channel thereof;" in which the concurrence of the House of Representatives is requested.

The Senate recede from their disagreement to the fifth amendment proposed by the House of Representatives, to the engrossed bill of the Senate, entitled "An act for the prevention of frauds and perjuries."

They have passed an engrossed bill from the House of Representatives, entitled "An act organizing the supreme court and defining its powers and duties," with sundry amendments, in which the concurrence of the House is requested.

The memorial from the Senate named in said message, was read the first time and passed to a second reading.

The amendments proposed by the Senate, to the bill of the House, last named in said message, were read and agreed to.

Ordered, That the clerk inform the Senate thereof.

The House then proceeded to consider the orders of the day:

The engrossed bill to authorise special sessions of the circuit court,

Was read the third time, and

The question being put;

"Shall the bill pass?" and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Brown, Bussell, Casey, Craig, Dumont, Elliott, Finley, Galletely, Hall, Hankins, Hillis, Holman, Hoover, Lane, Levenworth, Long, Lowry, McNary, Pollock, Read of D. and M., Reiley, Smiley, Soper, Wallace of J., and Wright—26.

And those who voted in the negative, are,

Messrs. Beard, Bence, Bentley, Boon, Claypool, Coffin, Crume, Dowden, Ferris, Gardner, Hamilton, Herod, Kinney,

Logan, Lynd, McPheeters, Owens, Paddacks, Parks, Pitcher, Reid of F., Roe, Russell, Schoonover, Semans, Skeen, Stewart, Wallace of F., Work, Zenor, and Howk, Speaker—31:

And so said bill was rejected.

The House resolved itself into a committee of the whole on the bill providing for the incorporation of towns, and after some time spent therein the speaker resumed the chair, and Mr. Harkins reported the same with sundry amendments;

Which were read and concurred in by the House.

The said bill was then ordered to be engrossed and read a third time to-morrow.

A message from the Senate, by Mr. Morris their assistant secretary:

Mr. Speaker,

The Senate have passed an engrossed bill of the House of Representatives, entitled,

An act to vacate a part of Waterstreet in the town of Green-castle, with amendments.

They have also passed bills of the Senate, entitled,

An act concerning a certain school section therein named; and

An act providing for the construction of a bridge over Mill creek in Owen county:

In which amendments to the first named bill, and the passage of the others, the concurrence of the House of Representatives is requested.

The amendments proposed by the Senate to the above named bill of the House, were read and agreed to.

Ordered, That the clerk inform the Senate.

The said bills from the Senate named in said message,

Were severally read the first time and passed to a second reading.

The House resolved itself into a committee of the whole on the bill regulating the practice in chancery, and after some time spent therein, the Speaker resumed the chair, and Mr. Herod reported progress, and asked leave to sit again.

Which was given,

And then the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

A motion was made by Mr. Hoover, to postpone for the pres-

ent, the orders of the day, and that the resolution moved by him on the subject of asking Congress for an extension of the time for commencing the Wabash and Erie canal, and to change the object of the donation, laid on the table on the third instant, be taken up;

Which motion was decided in the negative.

The House again resolved itself into a committee of the whole on the bill regulating the practice in chancery, and after some time spent therein the speaker resumed the chair, and Mr. Hillis reported the same with sundry amendments.

The first amendment was read and concurred in.

And the question being put on concurring in the second amendment, which was by adding the following as an additional section, viz:

“Sec. Whenever an execution of *fieri facias*, founded on any judgment or decree, or upon any bond having the force of a judgment, shall issue and come into the hands of the proper officer, and be returned as to the whole or any part thereof, in substance, *that* the execution defendant has no property in his bailiwick to satisfy the same, the courts of chancery shall have jurisdiction on bill filed, to subject to the satisfaction of such judgment, decree or bond, any choses in action belonging to such execution defendant, and also any equitable or legal interest in any estate, real, personal or mixed, which the debtor may be entitled to; and to that end may bring other parties before the court, and make such decree as may be equitable under the jurisdiction hereby conferred;”

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative are,

Messrs. Armstrong, Beard, Boon, Bussell, Casey, Claypool Coffin, Ferris, Galletely, Gardner, Hall, Hamilton, Herod, Kinney, McPheeters, Read of D. and M., Reiley, Schoonover, and Howk, Speaker—18.

And those who voted in the negative, are,

Messrs. Bell, Bentley, Brown, Craig, Crume, Decker, Dowden, Dumont, Elliott, Finley, Hankins, Hillis, Holman, Hoover, Lane, Levenworth, Logan, Long, Lowry, Lynd, McNary, Padacks, Parks, Pitcher, Pollock, Reid of F., Roe, Russell, Semans, Skeen, Smiley, Soper, Stewart, Wallace of F., Wallace of J., Worth, Wright, and Zenor—37.

And so the House refused to concur in said amendment.

The third amendment was read, and on the question to concur therein,

It was decided in the negative.

Mr. Bentley moved further to amend said bill by adding the following proviso to the 20th section, to-wit:

"Provided, That no president judge nor associate judges, shall have any power to grant injunctions, or restraining, order to operate on any judgment execution or other proceeding while they remain under the control of the justice of the peace;"

Which motion was decided in the negative.

The said bill was then ordered to be engrossed and read a third time to-morrow.

The House resolved itself into a committee of the whole on the bill to open a part and re-locate a part of the Mauks ferry state road; and the bill changing a part of the Mauks ferry state road, and after some time spent therein, the speaker resumed the chair, and Mr. Holman reported said bills, the first with one amendment, and the second without amendment:

The amendment to said first named bill, was read and concurred in, and the bill ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Smiley,

The further consideration of said last named bill, was indefinitely postponed.

On motion of Mr. Read of D. and M.,

The committee of the whole House to which was committed the bill for the opening of the state road leading from Lawrenceburgh to Rushville, was discharged from the further consideration thereof, and

On motion of Mr. Dumont,

Ordered, That said bill lie on the table.

The House resolved itself into a committee of the whole on the engrossed bill from the Senate respecting clerks, and after some time spent therein the Speaker resumed the chair, and Mr. Hoover reported the same without amendment.

Ordered, That said bill be read a third time to-morrow.

The House resolved itself into a committee of the whole on the engrossed bill from the Senate concerning the secretary of state, and after some time spent therein, the speaker resumed the chair, and Mr. Kianey reported the same with one amendment;

Which was read and concurred in.

Ordered, That said amendment be engrossed and the bill read a third time to-morrow.

The House resolved itself into a committee of the whole on the bill to establish and regulate ferries, and after some time spent therein, the speaker resumed the chair, and Mr. Lane reported the same with several amendments;

Which amendments were read and concurred in, except the last, which was by adding to the 6th section, which provides for exempting certain persons and property from being charged with ferriage, the following, to-wit:

“And all preachers of the gospel, regularly ordained preachers of any religious society while passing to and from in discharge of the duties of their respective missions;”

And the question being put on concurring therein,

And the ayes and noes being asked for by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bell, Craig, Dowden, Dumont, Hillis, Holman, Kinney and Zenor—9.

And those who voted in the negative, are,

Messrs. Beard, Bence, Bentley, Boon, Brown, Bussell, Casey, Claypool, Coffin Decker, Elliott, Ferris, Finley, Galletely, Gardner, Hall, Hamilton, Hankins, Herod, Hoover, Lane, Levenworth, Logan, Long, Lowry, Lynd, McNary, McPheeters, Owens, Paddacks, Parks, Pitcher, Pollock, Read of D. and M., Reid of F., Reiley, Roe, Russell, Schoonover, Semans, Skeen, Smiley, Soper, Stewart, Wallace of F., Wallace of J., Work, Worth, Wright and Hawk, Speaker—50.

And so the House refused to concur in said amendment.

On motion of Mr. Reiley,

The said bill was further amended by adding thereto the following as an additional section, to-wit:

“Sec. That nothing in this act shall be so construed as to prohibit any citizen of a sister state owning land in this state, from enjoying all the rights and privileges of ferrying that a citizen of this state can have by this law.”

On motion of Mr. Bentley,

The said bill was further amended by adding the following proviso to the 6th section:

“Provided, That no ferry man shall be bound to give ferriage free to any such express in time of peace.

The said bill was then ordered to be engrossed and read a third time to-morrow.

The House resolved itself into a committee of the whole on the bill to establish a state library, and after some time spent

therein, the speaker resumed the chair, and Mr. Levenworth reported the same with sundry amendments;

Which were read and concurred in generally.

The said bill was then ordered to be engrossed and read a third time to-morrow;

And then the House adjourned until to-morrow morning 9 o'clock.

TUESDAY MORNING, JANUARY 11, 8131.

The House met pursuant to adjournment.

Mr. Claypool presented a remonstrance of J. C. Ellston and others, against the formation of a new county out of the counties of Montgomery, Putnam and Parke;

Which was read and ordered to lie on the table.

Mr. Wallace of F. presented a petition of Ashbel Stone and others, praying a further appropriation from the three per cent. fund, on the state road leading from Rushville to Indianapolis;

Which was read and referred to the committee on roads.

Mr. Wallace of F. presented a petition of Alexander Rittenhouse and others, praying an act to authorize the citizens of Township fourteen in Range 7 E., in Shelby county, to lease the school section in said township;

Which was read and referred to the committee on education.

Mr. Hendricks presented two petitions of sundry citizens of Decatur county, praying the location of a state road from Columbus to Greensburgh; thence to intersect the state road, established from George Kline's at or near the house of Nathan Lewis in Decatur county;

Which were read and referred to the same select committee heretofore appointed to enquire into the expediency of laying out a state road from Terre-Haute, by the way of Bowlinggreen, Spencer, Bloomington, Columbus and Greensburgh to Brookville.

Mr. Holman presented a petition of sundry citizens of Cass county, praying that a state road may be established from Miamiesport to a point where the Michigan road crosses Tippecanoe river, and for an appropriation from the three per cent. fund thereon;

Which was read and referred to the committee on roads.

Mr. Bentley from the committee on roads, to which was referred the petition of Lyman Leshe and others, reported a bill to establish a state road from the Tobacco landing to Corydon and for other purposes;

Which was twice read (the rules of the House having first been dispensed with) and ordered to lie on the table.

Mr. Craig, from the select committee to which was referred a resolution, on the subject of a rail-way from Indianapolis to the Ohio river, made a report accompanied by a bill for a log rail-way on the Michigan road;

Which was read the first time, when

Mr. Long moved to reject said bill;

Which motion was decided in the negative.

The rules of the House having first been dispensed with; the said bill was then read a second time.

Mr. Wallace of F. moved to commit said bill to a committee of the whole House for to-morrow;

Which motion was decided in the negative; and

On motion of Mr. Ferris,

Ordered, That said bill be committed to the same select committee by which it was reported to this House.

Mr. Hall from the select committee to which was referred the bill respecting free negroes and mulattoes, servants and slaves, reported the same with sundry amendments;

Which were read and concurred in by the House.

The said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Worth from the joint committee on enrolled bills reported,

That they had compared the enrolled with the engrossed bills, entitled,

An act to legalize the proceedings of the board of commissioners of Perry county;

An act concerning proceedings in ejectment, and for the relief of occupying claimants of land;

An act to locate a state road from New Castle, in Henry county to Milton in Wayne county;

An act to establish a state road from Washington, in Wayne county, to New Castle in Henry county:

And found the same truly enrolled; when

The Speaker signed the same.

Ordered, That the clerk carry them to Senate for the signature of their president.

The House then proceeded to consider the orders of the day.

The bill providing for opening that part of the Michigan road between Logansport in Cass county, and the county seat of St. Joseph county, at or near the southern bend of the St. Joseph river, was read the second time and ordered to lie on the table.

Mr. Wallace of F. from the committee of revision, after having obtained leave, reported a bill regulating the interest of money in the state of Indiana;

Which was twice read (the rules of the House having first been dispensed with) and committed to a committee of the whole House for to-morrow.

Mr. Wallace of F. from the same committee, after having obtained leave, reported a bill to republish and continue in force the several acts and joint resolutions relative to the permanent seat of government, and the affairs of the town of Indianapolis;

Which was read the first time, and passed to a second reading.

The bill to encourage the manufacture of salt in the state of Indiana, and

The bill providing for the construction of a bridge over Mill creek, were severally read the second time and committed to a committee of the whole House for to-morrow.

The engrossed memorial and resolution from the Senate, for the survey of the Maumee river, and for discretionary power to apply that portion of our canal lands lying in Ohio, to improve the channel thereof, was read the second time and committed to the same committee of the whole house to which is committed a memorial of this House on that subject.

The engrossed bill from the senate concerning a certain school section therein named;

Was read the second time and referred to the committee on education.

The engrossed bill to provide for opening a part and relocating a part of the Mawks ferry state road, and

The engrossed bill regulating the practice in chancery;

Were severally read the third time and passed;

Ordered, That the same be entitled acts and that the clerk carry them to the Senate and ask their concurrence.

And then the House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment,

Engrossed bills from the senate of the following titles, to wit:

A bill concerning Clerks, and

A bill concerning the Secretary of state.

Were severally read the third time and passed,

Ordered, That the clerk inform the Senate and ask their concurrence in the amendments to the last named bill.

Mr. Elliot moved that the previous order of the day be postponed and that the bill supplemental to an act providing means for the construction of the Wabash and Erie canal, be taken up,

Which motion was decided in the negative.

Engrossed bills of the house of the following titles to wit:

The bill to establish a state Library, and

The bill providing for the incorporation of towns.

Were severally read the third time and passed.

Ordered, That the same be entitled acts, and that the clerk carry them to the Senate and ask their concurrence.

The engrossed bill to establish and regulate ferries, read the third time.

Mr. Hall moved to recommit said bill to a select committee with instructions to amend the same by inserting the following provision, therein to-wit:

"An licensed ferry keeper who shall neglect or refuse to set over, at his ferry, (during the hours of day light,) any person or property without unnecessary delay, shall be fined by presentment, or indictment, in any sum not less than five, nor more than one hundred dollars: and shall, moreover, be liable to the party injured in a civil action;

Which motion was carried in the affirmative.

Ordered, That Messrs. Hall, Galletely and Bentley be that committee.

Mr. Ferris moved that the orders of the day be for the present postponed, and that the bill to perpetuate and confirm certain state roads therein named, heretofore laid on the table, be taken up;

Which motion was decided in the negative.

The House resolved itself into a committee of the whole on the engrossed memorial and resolution from the Senate, for the survey of the Maumee river, and for discretionary power to apply that portion of our canal lands lying in Ohio, to improve

the navigation thereof; and on the memorial and joint resolution of the House relative to the Wabash and Erie canal, and after some time spent therein, the speaker resumed the chair and Mr. Logan reported the same, the former without amendment, and the latter with one amendment, to-wit: By striking it out from the resolving clause;

Which was concurred in by the House.

On motion of Mr. Kinney,

The further consideration of the above named memorial of the House was indefinitely postponed.

Ordered, That said memorial and resolution from the Senate, do lie on the table.

The House resolved itself into a committee of the whole on the bill to authorise the vacation of towns, and after sometime spent therein, the speaker resumed the chair, and Mr. Long reported the same with sundry amendments;

Which were read and concurred in by the House.

Mr. Dumont moved that the further consideration of said bill be indefinitely postponed;

Which motion was decided in the negative.

Mr. Read of D. and M. moved to reconsider the vote taken on concurring in the amendments, reported by the committee of the whole;

Which motion was decided in the negative;

The said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Elliott from the joint committee on enrolled bills, reported,

That they did, on this day, present to the Governor for his approval and signature, the following enrolled bills entitled acts, to wit:

An act concerning the proceedings in ejectment for the relief of occupying claimants of land.

An act to locate a state road from Newcastle in Henry county, to Milton in Wayne county.

An act to legalize the proceedings of the Board of Commissioners of Perry county, and

An act to establish a state road from Washington in Wayne county, to Newcastle in Henry county;

And then the House adjourned until to-morrow morning nine o'clock.

WEDNESDAY MORNING, JANUARY 12, 1831.

The House met pursuant to adjournment.

Mr. Holman asked and obtained leave to withdraw two petitions of citizens of St. Joseph county, praying a relocation of their county seat.

Mr. Hall from the committee on the judiciary, made the following report:

The judiciary committee, to whom was referred a resolution of this House, directing them to enquire into the expediency of repealing so much of the act regulating the interest on money as makes it unlawful to take more than six per cent. for the use thereof; have given the subject that attention, which its importance seemed to demand and now submit the following Report:

In the investigation of this subject, your committee have not been unmindful of the respect due to long established usages; and the danger often resulting from a departure from them; but while on the one hand, they concede this point, they claim and have exercised on the other, the right of investigating the principles upon which the laws against usury (as they are commonly called) are supposed to be founded, and the result of this examination has led thereto a clear and confirmed conviction, that these laws are impolitic, and ought to be repealed.

To travel back into past ages and enquire into the origin of the usury laws; the various changes and modifications they have underwent in different times, and in different countries, and the causes that brought about those changes, would open a field of enquiry far too extensive to be embraced in a single report. Suffice it to say, on this subject, that originally, the taking any per cent. whatever for the use of money, was called usury—and the nation that first introduced the custom, made it lawful to exact it from a stranger, but not from a citizen of its own nation. Whether a distinction of that character can be supported on correct principles, or what were the causes that induced the distinction, we need not here stop to enquire; but it may be safely affirmed, that if ever there were good reasons for the adoption of such laws in this country, they have long since ceased to operate. We have no large capitalists to fear. The wealth of the country is, in the main, very equally distributed; and we as frequently see the farmer, who has husbanded his affairs with proper economy, with a surplus capital, as any other class in society.

All fair and bona fide contracts should be performed according to the agreement of the parties. Full and absolute power ought to be given to all persons at a proper age, to make such contracts as they may deem best calculated to promote their own interest. On what principle, it may be asked, is the hire of money excepted from this general contracting power? The owner may hire a horse at whatever he can get. The contract is binding, if the amount agreed to be paid is ten per cent. per month. So may the owner of a horse, rent it at whatever per cent. he can agree with another for; and the contract is binding. The owner of a large landed estate, may sell it for one fourth of its value, and he is bound by his contract. But if the lender of money, by the frequent entreaties and fair promises of the borrower, agrees to receive more than six per cent. for the use thereof, the law releases the borrower from paying any interest at all.

The laws against usury are intended to protect the wants of the necessitous. But how frequently is it, that they operate to their injury. Suppose an individual to be in absolute want of \$500 for six months, and suppose him possessed of a freehold estate, worth \$3000—say he could borrow the sum required at 10 per cent., but cannot get it at six per cent.: the probable consequence would be, that individual would be compelled to sacrifice his whole estate, to get the sum required. On whom does the hardship fall in a case like this? Does it benefit the individual in want of the money, to deny him the privilege of borrowing it at such rate of interest as he could give, and thereby save a sacrifice of his property? Or does it enable the speculator to purchase that individual's estate at a great sacrifice?

It may be added, that the value of money, like articles of commodity, is constantly fluctuating. It entirely depends on the *demand* and *quantity* in circulation; and it would be just as reasonable, for the law making power to say, that pork should not be sold for more than two dollars per hundred, as that the interest to be paid for the use of money, shall not exceed 6 per cent. The one we find is undergoing a continued change, as the demand for the article is increased or diminished—the other is subject to be operated on by the same causes. Any law therefore, regulating the interest on money at a uniform per cent., cannot be otherwise than unjust in its operation.

If it were allowed to loan money at whatever rate of interest the parties might agree on, money would be brought into circulation; and the fair competition between those who had it to loan, would necessarily keep down the rate of interest at its real value. In such an event the rate of interest would not be

what is now often demanded; for he who now loans money for more than six per cent. interest, lays on a large per cent. over and above what he would willingly take, (did the law sanction it,) as a kind of *respondentia* in risking the loss of the whole interest. Thus, it not unfrequently happens, that the borrower of money pays a high per centum for it, in consequence of the bad effects of a law made to protect him.

Another reason may be urged for the repeal of this law, and that is its frequent violation, and the sanction of such violations by the community. Suppose a case—it is one of common occurrence: A. has funds on hand, which he has no immediate use for: but considering the uncertainty of human affairs; and the trouble and expense that occasionally attend the collection of debts, is not willing to let them out of his hands at *six per cent. interest*—B. is in want of funds—he is obliged to raise them by a given time—he goes to A. (not expecting to obtain a loan at six per cent.) and offers him 10 per cent. A. being willing to take the 10 per cent., lets B. have the amount desired; and at the expiration of the time the money was borrowed for, B. pays A. the amount borrowed, with the 10 per cent. interest. Here both the parties are benefitted by the transaction—community sanctions it; and B. would disgrace himself in the intimation of the community, by taking advantage of the usury law, and yet the law is violated.

Again—the laws now in force, hold out an inducement for men to be dishonest. A reward is in effect offered to him who borrows money at more than six per cent. interest, not to comply with his engagement. The borrower is urgent to obtain a loan, and engages to pay the lender 10 per cent. for the use of it. After the money becomes due, the borrower looks into the usury law, and discovers that he can get clear of paying any interest whatever. At first he cannot exactly reconcile it to his feelings to take advantage of it; but at last, the temptation is too great to resist, he accepts the bounty, pleads the usury act, and is disgraced in society.

Whenever a law becomes odious to community—whenever an individual, by claiming under it, that only; which it guarantees to him, is looked upon, for that cause, with an eye of suspicion, it is then time such law should be repealed. That such is the case in regard to the law now in force against usury, every person at all acquainted with the effects of such defences, must at once admit. Wherefore then, it may be asked, should it be continued in force? The honest man will not take shelter under it. He will pay any per cent. he contracts to pay; and it surely cannot be good policy to lay before the lukewarm

in honesty, an inducement to violate their own contracts, and the dishonest deserve no protection in their roguery.

But if it be against public policy to take more than 6 per cent. interest, why not punish the borrower as well as the lender? Is he who makes the *offer*, less guilty than he who *accepts* the bribe? The borrower is guilty of the first act—he makes the offer—holds out the temptation. Upon what just principle can it then be, to inflict the whole penalty on the lender?

It is somewhat curious to observe the changes that the usury law has undergone in this country. It was formerly the law of many of the provinces, as it is believed to be at this time in England, that the lender of money for more than what the law makers said it was worth, forfeited not only the principle and interest, but had to pay triple the value of the usurious exaction, and in addition thereto was fined and imprisoned. A law of this nature was enacted in New York in 1737, and continued in force until some time after the American independence.—And in this state, until the year 1824, usury was considered a crime, and made an indictable offence. Of late years, a more liberal policy seems to prevail; and it is believed that the time is not far distant, when every state in the Union, will follow the policy of Ohio and Illinois on this subject, and leave parties to regulate their own contracts on this, as on every other subject.

Every view of the subject, your committee have taken, has tended to confirm the opinion before expressed of the bad policy of the usury law. They therefore recommend the repeal of so much of the act regulating the interest on money, as makes it unlawful to take more than six per cent.

Mr. Hankins from the committee on claims, to which was referred the petition of Robert L. Brawdus, reported a bill for the benefit of the petitioner;

Which was read the first time and passed to a second reading.

Mr. Pollock from the committee on roads, to which was referred the petition of John Jackson and others, reported a bill to establish a state road from Fort Wayne in Allen county through the county seat of Elkhart to the county seat of St. Joseph county;

Which was read the first time and passed to a second reading.

Mr. Skeen from the select committee to which was referred the petition of William T. S. Cornett and others, reported a bill to raise an additional revenue for the county of Ripley;

Which was read the first time and passed to a second reading.

Mr. Holman from the select committee to which was referred the petition of citizens of Saint Joseph county, in that behalf, reported a bill to relocate the county seat of Saint Joseph county;

Which was read the first time, and passed to a second reading.

On motion of Mr. Parks,

Resolved, That a select committee be appointed to enquire into the expediency of offering a premium for the discovery of a remedy for the fatal disease commonly called the milk sickness, or the sick stomach, with leave to report by bill or otherwise.

Ordered, That Messrs. Parks, Hamilton, Herod and Ferris be that committee.

On motion of Mr. Levenworth,

Resolved, That a select committee be appointed to enquire into the comparative advantages of canals and rail-roads, preparatory to a general system of internal improvements throughout the state.

Ordered, That Messrs. Levenworth, Pitcher, McPheeters, Hankins and Hoover be that committee.

Mr. Wallace of J., after having obtained leave presented a joint resolution relative to the House on the Governor's circle;

Which was read the first time and passed to a second reading.

On motion of Mr. Elliott,

Ordered, That the several certificates of elections of the members of this House respectively, be referred to the committee on elections.

The House proceeded to consider the following message received from the Senate yesterday, by Mr. Morris, their assistant secretary, viz.

Mr. Speaker—

The Senate has passed bills of the House of Representatives entitled acts, as follow, viz:

An act regulating divorces,

An act defining the duties of Recorder,

An act authorising domestic attachments and regulating proceedings therein;

The two first without, the latter with amendments;

They have also passed an engrossed bill of the senate, entitled

An act regulating the practice in suits at law—in which last named bill and the amendments to the preceding, the concurrence of the house is requested.

The amendments proposed by the senate to the bill of the house last named in said message, were severally read and agreed to;

The said bill, from the senate, was twice read (the rules of the house having first been dispensed with) and committed to a committee of the whole house for to-morrow.

Mr. Dumont, after having obtained leave, presented a bill to increase the school fund in the several congressional townships in the state of Indiana, which was twice read (the rules of the house having first been dispensed with) and committed to a committee of the whole house for to-morrow.

The house then proceeded to consider the orders of the day.

The bill to republish and continue in force the several acts and joint resolutions relative to the permanent seat of government, and the affairs of the town of Indianapolis, was read the second time and ordered to be engrossed and read a third time to-morrow.

The engrossed bill of the house respecting free negroes and mulattoes, servants and slaves, was read the third time; and

The question being put "Shall the bill pass?"

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Bence, Brown, Bussell, Casey, Claypool, Coffin, Craig, Decker, Dowden, Dumont, Elliott, Ferris, Finley, Galletely, Gardner, Hall, Hamilton, Hendricks, Herod, Hillis, Holman, Hoover, Kinney, Lane, Logan, Lynd, M'Nary, M'Pheeters, Owens, Paddacks, Parks, Pollock, Read of D. and M., Reid of F., Reiley, Russell, Schoonover, Smiley, Soper, Stewart, Wallace of F., Wallace of J., Work, Worth and Howk, Speaker—47.

And those who voted in the negative, are,

Messrs. Beard, Bell, Bentley, Boon, Crume, Levenworth, Lowry, Semans, Sken and Zenor—10.

And so said bill passed.

Mr. Hoover moved to amend the title of said bill, by striking out therefrom the words "and slaves."

Which motion was decided in the negative.

Ordered, That said bill be entitled an "act," and that the clerk carry it to the Senate and ask their concurrence.

The bill to authorise the vacation of towns,

Was read the third time.

Mr. Crume moved to re-commit said bill to a select committee with instructions so to amend it as to transfer the powers that are by said bill vested in the circuit court, to the boards doing county business;

Which motion was carried in the affirmative.

Ordered, That Messrs. Crume, Dumont and Finley, be that committee.

The House resolved itself into a committee of the whole, on the bill respecting salines, saltpeter caves, and saline reserves; and after some time spent therein, the speaker resumed the chair, and

Mr. Lowry reported the same with sundry amendments,

Which were read and concurred in by the House, and

On motion of Mr. Owen,

The said bill was re-committed to a select committee.

Ordered, That Messrs. Owens, McPheeters, Coffin, Hall and Read of D. and M., be that committee.

And then the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

The House resolved itself into a committee of the whole on the bill for opening and repairing public roads and highways; and after some time spent therein, the speaker resumed the chair and Mr. Lynd reported the same with sundry amendments;

Which were read and concurred in generally.

Mr. Lane moved further to amend said bill by adding the following proviso to the 62nd section, to-wit:

"*Provided*, That supervisors shall be allowed fifty cents per day for two days services, and no more;"

Which motion was decided in the negative.

A motion was made by Mr. Bentley to re-commit said bill to a select committee;

Which was decided in the negative.

Mr. Bentley moved further to amend said bill by striking out

thereof the 36th section, which is in the words following, to-wit:

Sec. 36. That all male inhabitants between the ages of twenty-one and fifty years (persons exempted by law or excused by the boards doing county business for good cause shewn, excepted) shall work on public roads and high-ways, two days in each year for personal privileges, and by inserting in lieu thereof, the following:

"Sec. 36. That all male persons over the age of twenty-one years, and under fifty-five years, except such persons as shall be hereafter excused by the county court on good cause shewn, shall be liable to work on public roads and high-ways, two days in each year, in their respective districts or road bounds in which they reside, for personal privilege;"

Which motion was decided in the negative.

Mr. Bentley moved further to amend said bill by striking out therefrom the thirty-seventh section, which reads in the words following, to-wit:

"Sec. 37. All persons, non-residents included, being the owners of any real estate, shall pay as a road tax thereon, an amount equal to one half of the state tax chargeable thereon; but each person may discharge the road tax thus imposed, by working under the supervisor of the road district where the real estate may be situate, at the rate of fifty cents per day;" and inserting in lieu thereof the following:

"Sec. 37. All persons over the age of fifty-five years, and being the owner of eighty acres of land, shall work one day on the roads as a road tax on the same, and so in proportion for a smaller or larger quantity, to be called out when the hands work for their personal privilege: and if the roads then shall want further repair, the land-holders then shall be called out at the rate of one days work for eighty acres of land, and at the same rate for a smaller or larger quantity, as the several roads may need repairing, provided no one man shall be compelled to work more than ten days in any one year;"

Which motion was decided in the negative.

Mr. Wright moved further to amend said bill by adding the following proviso to the 36th section:

"*Provided*, That no person shall be compelled to work on public roads, until he shall have resided within the district thirty days."

Which motion was decided in the negative.

Mr. Lane moved to amend said bill by adding the following to the 62nd section, to-wit:

Provided, That supervisors in the counties of Warrick, Van-

derburgh, Spencer, and Perry, shall not be allowed pay for more than two days;"

Which motion was decided in the negative;

Mr. Hoover moved further to amend the bill by striking out of the last line but one of the 36th section, the word "two," and inserting in lieu thereof the word "three," being the amount of work required for personal privileges;

Which motion was decided in the negative.

Mr. Wallace of J., moved further to amend said bill by striking out therefrom the word "fifty," in the 7th line of the 42nd section (being the amount of fine imposed for each day's neglect to work on roads) and inserting in lieu thereof the words "seventy-five."

A division of the question being demanded by Mr. Read of D. and M., it was put on striking out,

And decided in the negative.

The said bill was then ordered to be engrossed and read a third time to-morrow;

And then the House adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, JANUARY 13, 1831.

The House met pursuant to adjournment.

Mr. Finley presented a petition of Amos Hanaway, sen'r, praying compensation for improvements made by him on a part of the donation adjoining the town of Indianapolis;

Which was read and referred to the committee on claims.

Mr. Crume presented a petition of Henry W. Way and others, praying an act to compel the boards doing county business in the counties of Wayne and Fayette to cause to be opened so much of the state road from Lawrenceburgh to Fort Wayne, as lies between Centreville and Connersville;

Which was read and referred to the committee on roads.

Mr. Finley from the select committee to which was referred the engrossed bill of the Senate, concerning a certain school section therein named, reported the same with one amendment.

Mr. Hoover moved to amend said amendment, by inserting therein, after the words "town 13," these words, "and range one west;"

Which motion passed in the affirmative, and

On the question to concur in the amendment reported by the committee as amended,

It was carried in the affirmative.

Ordered, That said amendment be engrossed and the bill read a third time to-morrow.

Mr. Ferris from the committee on education, made the following report;

Which was read and concurred in by the House:

The committee on education, to whom was referred the petitions of sundry citizens of Clark, Monroe and Owen counties, praying that the Indiana College may be guarded against the influence of sectarian principles in matters of religion, have had the same under consideration, and directed me to report,

That from the facts that have come to their knowledge, they have not been able to learn that any undue influence has been given to the principles of any particular sect, but that instruction in a knowledge of the *arts* and *sciences*, has been administered in said institution upon the most liberal principles, intended by the General Assembly of the state of Indiana in her charter, and that the board of trustees, and faculty have managed the concerns of the institution in such a manner as to give to the legislators and people of the state, as well as the friends of literature, elsewhere, the most pleasing anticipations of future usefulness to the rising generation, and that, though young, it is in a flourishing condition and under the fostering care of the General Assembly, bids fair, soon to take her rank among the most distinguished literary institutions in the west, and to answer the highest expectation of its founders. They are therefore of opinion that legislation upon the subject of the petitions, is altogether unnecessary.

Mr. Reiley from the select committee to which was referred the petition of Richard P. Price and others, reported a bill relative to the borough of Vincennes;

Which was read the first time, and passed to a second reading.

Mr. Boon from the select committee to which was referred the engrossed bill from the Senate to provide for a state road from Merom to some point on the Terre-Haute and Bono state road, reported the same with sundry amendments;

Which were read and concurred in by the House.

Ordered, That said amendments be engrossed, and the bill read a third time to-morrow.

Mr. Lowry from the select committee to which was referred the petition of John Kimberlin, reported a memorial and joint resolution for the relief of the petitioner;

Which was read the first time and passed to a second reading.

Mr. Hankins moved the following resolution:

Resolved, by the House of Representatives, that the surplus revenue of the United States, after the payment of the national debt, ought to be divided amongst the several states in proportion to their Representatives in Congress;

Which was read, and

On motion of Mr. Finley,

Ordered to lie on the table.

Mr. Herod, after having obtained leave, presented a bill confirming in Zachariah Tannahill the right of keeping up, or keeping in repair a certain mill dam therein named;

Which was twice read (the rules of the House having first been dispensed with) and

On motion of Mr. Smiley,

Was ordered to be committed to a committee of the whole House for to-morrow.

The House proceeded to consider the following message received from the Senate yesterday, by Mr. Morris, their assistant secretary, viz.

Mr. Speaker,

The Senate concur in the amendment proposed by the House of Representatives to the engrossed bill, of the Senate, entitled

An act concerning the Secretary of State.

They have passed a bill of the House of Representatives, entitled

An act to incorporate the Lawrenceburgh bridge company, with amendments;

In which amendments the concurrence of the House of Representatives is requested.

Ordered, That said message and the bill of the House therein named, together with the amendments proposed thereto by the Senate, do lie on the table.

A message was received from the Governor by Mr. Heylin his private secretary, notifying—

That he did, on this day, approve and sign the following acts, to-wit:

An act to locate a state road from New Castle, in Henry county to Milton in Wayne county;

An act to establish a state road from Washington, in Wayne county, to New Castle in Henry county:

An act concerning proceedings in ejectment, and for the relief of occupying claimants of land;

An act to legalize the proceedings of the board of commissioners of Perry county.

The House then proceeded to consider the orders of the day:

The bill for the benefit of Robert L. Brawddus, was read the second time, and

On motion of Mr. Read of D. and M.,

Ordered, That the same be referred to the committee of ways and means, with instructions to make the allowance therein contained in the specific appropriation bill.

The bill to establish a state road from Fort Wayne in Allen county, through the county seat of Elkhart county, to the county seat of St. Joseph county,

Was read the second time and ordered to lie on the table.

The bill to raise additional revenue for the county of Ripley; and

The bill to relocate the county seat of St. Joseph county;

Were severally read the second time and ordered to be engrossed and read a third time to-morrow.

The joint resolution relative to the Governor's house;

Was read the second time and committed to a committee of the whole House for to-morrow.

On motion of Mr. Semans,

The orders of the day were for the present postponed, and the bill for the formation of a new county north of the county of Madison, together with the report of the select committee to which the same was recommitted, and the amendment therein proposed, laid on the table on the 8th instant, were taken up.

The said amendment was then read and concurred in.

Mr. Finley moved to recommit said bill to a committee of the whole House for this day now.

Mr. Hillis proposed to-morrow; and

The question being put, on recommitting the same to a committee of the whole House for to-morrow:

It passed in the affirmative.

The engrossed bill to re-publish, and continue in force the

several acts and joint resolutions relative to the permanent seat of government, and the affairs of the town of Indianapolis; and

The engrossed bill for opening and repairing public roads and highways,

Were severally read the third time and passed;

Ordered, That the same be entitled acts and that the clerk carry them to the Senate and ask their concurrence.

The House resolved itself into a committee of the whole on the engrossed bill from the Senate, to regulate general elections, and after some time spent therein, the speaker resumed the chair, and Mr. M'Nary reported the same with sundry amendments.

Which were read and concurred in generally.

Mr. Dumont moved further to amend said bill, by adding to the 22d section, the following:

It shall, in addition to the causes of contest, be good cause (if sufficiently proved) to set aside the election of any officer, that such person has employed any person on the day of election, or previous thereto, to furnish any treat in victuals or drink, with the intention of having an influence on the opinions of a voter or voters in favor of such person.

On motion of Mr. Hillis,

The said proposed amendment was amended by adding thereto the words following, viz: "Or for the express purpose of procuring their votes."

The question recurring on the said amendment proposed by Mr. Dumont, as amended;

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative are,

Messrs. Beard, Bell, Casey, Claypool, Coffin, Crume, Decker, Dowden, Dumont, Ferris, Galletely, Gardner, Hall, Hamilton, Holman, Kinney, Lane, Levenworth, Paddacks, Parks, Read of D. and M., Reid of F., Russell, Semans, Worth and Zenor—26.

And those who voted in the negative, are,

Messrs. Bence, Bentley, Boon, Brown, Bussel, Elliott, Finley, Hendricks, Herod, Hillis, Hoover, Logan, Long, Lowry, Lynd, M'Nary, McPheeters, Owens, Pitcher, Pollock, Reiley, Schoonover, Skeen, Smiley, Soper, Stewart, Wallace of F., Wallace of J., Work, Wright, and Howk, Speaker—31.

And so said motion was decided in the negative.

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment,
And resumed the consideration of the engrossed bill from the Senate, regulating general elections, depending at the last adjournment.

On motion of Mr. M'Pheeters,

The said bill was further amended, by adding the following to the tenth section, viz: "nothing herein contained shall be so construed as to prevent the judges of elections from counting out the tickets on the next day succeeding the first Monday in August."

The said amendments were then ordered to be engrossed and the bill read a third time to-morrow.

The House resolved itself into a committee of the whole on the engrossed bill from the Senate to provide for electing county and township officers, and after some time spent therein the speaker resumed the chair, and Mr. M'Pheeters reported the same with one amendment;

Which was read and concurred in by the House.

Mr. Wallace of F. moved further to amend said bill, by inserting after the word "therein," in the 5th line of the 6th section, these words, "and one additional justice of the peace in each township;"

Which motion was carried in the affirmative.

Mr. Bussell moved further to amend said bill, by adding to the sixth section the following: "And in all townships where there may be salt water found, or where the travelling state prison may pass, they shall be entitled to five justices of the peace.

Mr. Reid of F. moved to amend said amendment, by inserting therein after the word "townships," these words, "in the county of Rush;"

Which was accepted by Mr. Bussell as a modification of the amendment proposed by him;

And the question being put thereon,

It was carried in the affirmative.

Mr. Bentley moved further to amend said bill by adding at the end of the 6th section, the following: "But no township shall be entitled to three justices of the peace, except such township contains six hundred voters;"

Which motion was decided in the negative.

Mr. Beard moved to amend the bill by striking out from the sixth section the word "incorporated;"

Which was decided in the negative.

Mr. Kinney moved further to amend said bill by striking out the words "county commissioners," from the latter clause of the seventh section, which reads in the words following: "the board doing county business, or the clerk of the circuit court in recess, are hereby authorised to receive the resignation of justices of the peace; and in all cases of vacancies in the office of justice of the peace, by resignation, removal or otherwise, the county commissioners on being informed thereof, shall cause such vacancies to be filled by election as directed by this act," and inserting in lieu thereof the words "sheriff of the county;"

Which motion was decided in the negative.

Mr. Wallace of J., moved to re-consider the vote taken on the amendment proposed by Mr. Bussell, above mentioned;

Which motion was decided in the negative.

The said amendments were then ordered to be engrossed and the bill read a third time to-morrow.

The House resolved itself into a committee of the whole on the bill concerning the scrip to be granted to the Michigan road contractors, and for other purposes; and after some time spent therein the speaker resumed the chair, and Mr. Owens reported the same without amendment;

The said bill was then ordered to be engrossed and read a third time to-morrow.

A message from the Senate by Mr. Morris their assistant secretary:

Mr. Speaker,

The Senate have passed bills of the House of Representatives, entitled as follow, viz:

- An act to regulate descents, distribution and dower,
- An act to establish a state road from Richmond in Wayne county, to Fort Wayne in Allen county,
- An act for the relief of John Smith, and others,
- An act to locate a state road from Connersville in Fayette county, to Louisville in Henry county,
- An act to establish a state road from Rushville in Rush county, to Greenfield in Hancock county—all with amendments.

They have passed an engrossed bill entitled,
An act for the relief of Alpha Frisbie, and
A joint resolution to improve the navigation of the Wabash and White rivers, without amendment.

They have passed the following bills of the Senate, entitled,
An act relating to county seminaries,
An act providing for a re-location of a part of the Fort Wayne state road.

An act to provide for the re-location of the state road from Bono to Terre-Haute;

In which several bills and the amendments to the preceding the concurrence of the House of Representatives is requested.

The 1st, 2nd, 4th, 5th, 6th, and 7th amendments proposed by the Senate to the bill of the House first named in said message,

Were severally read and agreed to, and

On motion of Mr. Dumont,

The House disagreed to the third amendment proposed thereto.

The amendment proposed by the Senate to the bill of the House secondly in said message named, was read, when

Mr. Holman moved that the House disagree thereto;

Which motion was decided in the negative,

And so the House agreed to said amendment.

The amendments proposed by the Senate to the bills of the House, thirdly and fourthly in said message named,

Were severally read and agreed to.

The amendment proposed by the Senate to the bill of the House fifthly in said message named,

Was read, when

Mr. Long moved to amend said amendment by inserting therein the names of Basil Meek of Hancock county, and Charles Fullen of Rush county, as additional commissioners, and by striking out the word "commissioner," and inserting in lieu thereof the word "commissioners" wherever it occurs in said amendment,

Which motion was carried in the affirmative.

And on the question to agree to said amendment as amended,

It passed in the affirmative.

Ordered, That the clerk inform the Senate, thereof and ask their concurrence in the said amendments of the House to the amendment proposed by the Senate to the bill of the House last named in said message:

The first above named bill of the Senate was twice read (the rules of the House having first been dispensed with) and committed to a committee of the whole House for to-morrow:

The bill of the Senate secondly above named,

Was read the first and second times (the rules of the House having first been dispensed with) and passed to a third reading to-morrow.

The bill of the Senate last named in said message,

Was read the first time and passed to a second reading.

And then the House adjourned until to-morrow morning nine o'clock.

FRIDAY MORNING, JANUARY 14, 1831.

The House met pursuant to adjournment.

On motion of Mr. Wallace of F.,

Ordered, That Mr. Hankins have leave of absence from the service of the House.

On motion of Mr. Galletely,

The bill for the appropriation of money to aid in building a bridge over Eel river, and the petition of Eli Dixon and others, on that subject heretofore laid on the table, were taken up,

When Mr. Decker withdrew the amendment proposed thereto by him, which was depending when the bill was last under consideration.

Ordered, That the said bill and petition be re-committed to a select committee of Messrs Galletely, Owens and McNary.

On motion of Mr. Bussell,

The several orders of the day which precede the engrossed bill from the Senate to provide for the election of county and township officers, were for the present postponed.

The said bill was read the third time, when

Mr. Bussell moved to re-commit it to a select committee with instructions to amend it by striking out so much thereof as provides for the election of five justices of the peace in certain townships upon a contingency therein named;

Which motion was carried in the affirmative.

Ordered, That Messrs. Bussell, Read of D. and M., and Crume, be that committee.

On motion of Mr. Hoover,

The vote taken yesterday on agreeing to the amendment proposed by the Senate to the bill of the House establishing a state road from Richmond to Fort Wayne, was re-considered.

Ordered, That said bill and the amendment proposed thereto by the Senate, do lie on the table.

Mr. Read of D. and M., from the select committee to which was re-committed the engrossed bill of the Senate to provide for the election of county and township officers, after having obtained leave, reported the same with one amendment pursuant to instructions;

Which amendment was read and concurred in by the House.

Ordered, That said amendment be considered as engrossed, and the bill read a third time to-day.

Mr. Russell presented a petition of David Buchanan, securi-

ty of Joseph C. Read, deceased, lessee of a lot on the donation near Indianapolis, praying relief;

Which was read and referred to the committee on the affairs of the town of Indianapolis.

Mr. Gardner presented a petition of sundry citizens of Parke and Montgomery counties, praying a re-location of part of the state road running through the New Discovery in Parke county;

Which was read and referred to the committee on roads.

Mr. Worth from the joint committee on enrolled bills, reported,

That they had compared the enrolled with the engrossed bills, entitled,

An act authorising the appointment of constables, and defining their duties;

An act regulating divorces;

An act organizing the supreme court and defining its powers and duties;

An act to vacate part of Water street in the town of Greencastle, and for other purposes;

And found the same truly enrolled; when-

The speaker signed said bills.

Ordered, That the clerk carry them to Senate for the signature of their president.

Mr. Lane presented a petition of sundry citizens of Union township, in Vanderburgh county, praying the repeal of an act, approved January 25, 1830, entitled

An act to establish a state road from Evansville to Anthony's ferry;"

Which was read, and referred to the committee on roads.

Mr. Levenworth from the committee on education to which was referred the petition of Masias Nance and others, reported a bill legalizing the proceedings of trustees therein named;

Which was read the first time and passed to a second reading.

Mr. Ferris from the committee on education, made the following report:

The committee on education to which was referred sundry petitions, resolutions and other documents on that subject, have had the accompanying documents under consideration, and have instructed me to report,

That as far as the legislature possess the means, the object of said petitions, resolutions and other documents, are provided for in bills now before the House, and to ask to be dismissed from the further consideration of the subjects therein contained.

Ordered, That said committee be discharged from the further consideration of those several subjects.

Mr. Pollock from the committee on roads, to which was referred the petition of J. M. H. Alison and others, reported a bill to locate a state road from Wood's ferry on the east fork of White river by the way of Spencer in Owen county, to Greencastle in Putnam county;

Which was twice read (the rules of the House having first been dispensed with) and committed to a committee of the whole House for to-morrow.

Mr. Smiley from the select committee to which was referred the petition of William Norris and others, reported a bill to establish and re-locate a part of the Madison state road;

Which was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time to-morrow.

Mr. Hall from the select committee to which was re-committed the engrossed bill to establish and regulate ferries, reported the same with one amendment,

Which was read and concurred in by the House.

The said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Herod from the select committee to which was referred two several petitions of citizens of Elkhart and Allen counties respectively, reported a bill supplemental to an act entitled

"An act to encourage the killing of wolves," approved January 27, 1827;

Which was read the first time and passed to a second reading.

Mr. Bussell moved the following resolution:

Resolved, That a select committee be appointed to enquire into the expediency of so amending the law punishing the crime of larceny as to punish the same by whipping the offender on the bare back at some public whipping post in the county where such offence may have been committed for any amount stolen under the sum of five dollars, and report by bill or otherwise.

Mr. Dumont moved to amend said resolution so as to confine its application to the county of Rush;

Which motion was decided in the negative.

Mr. Long moved to amend the same so as to restrict the punishment to males;

Which passed in the affirmative.

The question recurring on the adoption of the resolution as amended, and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Boon, Bussell, Long, and McNary,—4.

And those who voted in the negative, are,

Messrs. Beard, Bell, Bence, Bentley, Brown, Casey, Claypool, Coffin, Craig, Crume, Decker, Dowden, Dumont, Elliott, Ferris, Finley, Galletely, Gardner, Hall, Hamilton, Hendricks, Herod, Hillis, Holman, Hoover, Kinney, Lane, Levenworth, Logan, Lowry, Lynd, McPheeters, Owens, Paddacks, Parks, Pitcher, Pollock, Read of D. and M., Reid of F., Reiley, Schoonover, Semans, Skeen, Smiley, Soper, Stewart, Wallace of F., Wallace of J., Work, Worth, Wright, Zenor, and Hawk, Speaker—53.

And so said resolution was not adopted.

The House then proceeded to consider the orders of the day:

The memorial and joint resolution for the relief of John Kimberlin, and

The bill relative to the borough of Vincennes,

Were severally read the second time and ordered to be engrossed and read a third time to-morrow.

The engrossed bill from the Senate to provide for the relocation of the state road from Bono to Terre-Haute,

Was read the second time;

On motion of Mr. Kinney,

The said bill was amended by striking out the name of Elisha U. Brown, and inserting in lieu thereof, the name of Robert Hoggatt, and

On motion of Mr. Galletely,

Ordered, That said bill be referred to a select committee;

Whereupon,

Messrs. Galletely, Kinney and Parks, were appointed that committee.

Engrossed bills of the House of the following titles to wit:

The bill to raise additional revenue for the county of Riply, and

The bill to re-locate the county seat of St. Joseph county,
Were severally read the third time and passed.

Ordered, That the same be entitled acts, and that the clerk
carry them to the Senate and ask their concurrence.

The engrossed bill from the Senate to provide for a state
road from Merom to some point on the Terre-Haute and Bono
state road,

Was read the third time and passed.

On motion of Mr. Boon,

The title thereof was amended by adding thereto the words
"and for other purposes."

Ordered, That the clerk inform the Senate of the passage of
said bill, and ask their concurrence in the amendments.

The engrossed bill from the Senate concerning a certain
school section therein named,

Was read the third time and passed.

On motion of Mr. Hoover,

The title thereof was amended so as to read thus:

"An act confirming the sales of certain school sections there-
in named;

Ordered, That the clerk inform the Senate of the passage of
said bill, and ask their concurrence in the amendments.

The engrossed bill of the House concerning the scrip to be
granted the Michigan road contractors, and for other purposes,

Was read the third time:

Mr. McPheeters moved to re-commit the same to a select
committee with instructions to amend it by striking out so much
as provides that the allowances therein made shall be paid out
of the state treasury in the first instance, and inserting in lieu
thereof a provision that they be paid out of the funds arising
from the sale of the lands donated for the construction of the
Michigan road, and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Bence, Bentley, Brown, Claypool, Coffin, Hamilton,
Herod, Levenworth, Logan, Lynd, McPheeters, Owens, Pad-
dacks, Parks, Pitcher, Schoonover, Smiley, Soper, Zenor, and
Howk, Speaker—20.

And those who voted in the negative, are,

Messrs. Beard, Bell, Boon, Bussell, Casey, Craig, Crume,
Decker, Dowden, Dumont, Elliott, Ferris, Finley, Galletely,

Gardner, Hall, Hendricks, Hillis, Holman, Hoover, Kinney Lane, Long, Lowry, Pollock, Read of D. and M., Reid of F., Reiley, Russell, Semans, Skeen, Wallace of F., Wallace of J., Work, Worth, and Wright—36:

And so said motion was decided in the negative.

The question then being put;

"Shall the bill pass?" and

The ayes and noes being demanded by two members;

Those who voted in the affirmative are,

Messrs. Beard, Bell, Boon, Bussell, Claypool, Craig, Decker, Dowden, Dumont, Elliott, Ferris, Finley, Galletely, Gardner, Hall, Hendricks, Hillis, Holman, Hoover, Kinney, Lane, Long, Pollock, Read of D. and M., Reid of F., Reiley, Russell, Semans, Skeen, Wallace of F., Wallace of J., Worth, and Wright—33.

And those who voted in the negative are,

Messrs. Bence, Bentley, Brown, Casey, Coffin, Hamilton, Herod, Levenworth, Logan, Lowry Lynd, M'Pheeters, Owens, Paddacks, Parks, Pitcher, Schoonover, Smiley, Soper, Work, Zenor, and Hawk, Speaker—22.

And so said bill passed:

Ordered, That the same be entitled an act and that the clerk carry it to the Senate and ask their concurrence.

Engrossed bills of the Senate of the following titles to-wit:

An act to provide for electing county and township officers;

An act to regulate general elections, and

An act providing for re-locating a part of the Fort Wayne state road,

Were severally read the third time and passed.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence in the amendments to the two first named bills;

And then the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

On motion of Mr. Ferris,

The orders of the day were for the present postponed, and

The engrossed bill of the House to incorporate the Lawrenceburgh Bridge Company, together with the amendments proposed thereto by the Senate, and their message in refer-

ence (among other things) to the same, laid on the table yesterday, were taken up and considered.

The House agreed to the two first of said amendments, and to the last with an amendment.

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence in the said amendment of the House to the third amendment of the Senate.

The House then resumed the consideration of the orders of the day:

On motion of Mr. Finley,

The committee of the whole House to which was committed the bill supplemental to "An act providing means for the construction of the Wabash and Erie canal, were discharged from the further consideration thereof.

Mr. Finley moved to re-commit said bill to the committee on canals and internal improvements, with instructions to amend the same by striking out therefrom, the third, fourth and fifth sections, which read in the words following, viz:

"Sec. 3. That there shall be established a board of commissioners to consist of three members, to be appointed and commissioned under the requisitions of this act, by the Governor of this state, and to be denominated "the commissioners of the canal fund;" and the said boards shall continue until the loans procured under its operations be wholly paid; and any vacancy occurring in said board by death, resignation or otherwise, shall be filled under like restrictions and in like manner, every such commissioner being subject to removal for good cause shewn, by a joint resolution of the General Assembly.— A majority of said commissioners shall be a quorum for transacting business; they shall superintend and manage the canal fund, and shall receive, arrange, and manage to the best advantage, all things thereto belonging; and before entering upon any of their duties, the said commissioners shall severally take an oath, and give a bond for the faithful discharge of their duties, as required by law of the canal commissioners.

Sec. 4. That the said commissioners of the canal fund, be and they are hereby authorized and directed to contract with any individual, corporation, or company for a loan to the amount of _____ which with the monies immediately arising by cash payments of the sale of canal lands is estimated to be sufficient to construct the middle section and feeder of said canal, on a credit of thirty years, but redeemable in whole or in part, after the period of twenty years at the option of the state: and said loan to be at a rate of interest

Not exceeding 6 per centum per annum: and to be so negotiated, that the same may be drawn in portions from time to time, and be subject to interest only as it may be required in completing the contracts entered into from time to time, and for other expenses relative to said canal: *Provided*, that at no period shall there be an amount so drawn of said loan to exceed the amount due on the sales of the canal lands: and the said commissioners shall issue transferable certificates in the name of the state, upon drawing such loan, which shall be countersigned by the treasurer of state.

Sec. 5. That for the payment of the interest, and the redemption of the principal of the sums of money, which may be borrowed under the authority of the General Assembly, for the construction of the said canal, to the extent of the estimated cost thereof in the first section of this act stated, there shall be, and are hereby irrevocably pledged and appropriated, all the monies in any manner arising from the lands donated by the United States to this state for the construction of said canal: the canal itself with the land thereto appertaining, and all privileges thereby created, and the rents and profits thereof belonging to the state, and the nett proceeds of tolls collected on said canal, or any part thereof as finished: the sufficiency of which for the purposes aforesaid, as above allowed and provided for, the state of Indiana doth hereby irrevocably guaranty;"

And by inserting in lieu thereof, the following, to-wit:

"Sec. 3. That there shall be a commissioner, to be denominated "the commissioner of the canal fund," who shall be appointed and commissioned by the Governor, under the requisitions of this act, who shall continue under such appointment until the loans procured under its operations be wholly paid, unless removed by good cause shewn by a joint resolution of the General Assembly. Every vacancy by death, resignation or otherwise, shall be filled under like restrictions and in like manner; and it shall be the duty of of such commissioner to superintend and manage the canal fund, arrange and manage to the best advantage, all things thereto belonging, and before entering on the duties of his appointment, shall take an oath and give a bond with sufficient security for the faithful discharge of his duties, as required by law for canal commissioners.

Sec. 4. That the said commissioner be, and he is hereby authorized and directed to contract with any individual, corporation or company, for a loan not exceeding the amount at such time owing to the state of Indiana on the canal lands actually sold, and on which interest shall be accruing; which loan shall be on a credit of thirty years, but redeemable in whole or

in part, after the period of twenty years, at the option of the state, and to be at a rate not exceeding 6 per cent. per annum, and to be so negotiated that the same may be drawn in portions from time to time, and be subject to interest only as it may be required to satisfy contracts entered into, and for other expenses relative to said canal.

Sec. 5. That for the payment of the interest and the redemption of the principal of the sums which may be borrowed under the authority of this act, there are hereby irrevocably pledged and appropriated, all the monies due the state on the sales of such canal lands, with the mortgages on such lands, together with the canal itself, and all privileges thereby created, and the rents and profits thereof belonging to the state, and the nett proceeds of tolls collected on said canal or any part thereof as finished.

And also to amend the other parts of the bill in conformity thereto, and so as to provide for the better securing the canal funds.

And the ayes and noes being demanded by two members on said question to re-commit with the foregoing instructions:

Those who voted in the affirmative are,

Messrs. Brown, Bussell, Casey, Crume, Dumont, Elliott, Finley, Hall, Herod, Hillis, Holman, Lane, Long, Lowry, McNary, Parks, Pitcher, Pollock, Russell, Semans, Skeen, Smiley, Soper, Stewart, Wallace of F., Wallace of J. and Worth—27.

And those who voted in the negative, are,

Messrs. Beard, Bell, Bence, Bentley, Boon, Claypool, Coffin, Craig, Decker, Dowden, Ferris, Galletely, Gardner, Hamilton, Hendricks, Hoover, Kinney, Levenworth, Logan, Lynd, McPheeters, Owens, Paddacks, Read of D. and M., Reid of F., Reiley, Roe, Schoonover, Work, Wright, Zenor and Hawk, Speaker—32.

And so said motion was decided in the negative.

Mr. Hoover moved to re-commit said bill to a select committee with instructions to strike it out, and in lieu thereof, report to this House a memorial to Congress, asking longer time for the commencement of said canal, and also the discretionary power to apply the proceeds of said canal lands to the construction of a canal, rail-road, or turnpike road, connecting the contemplated points of said canal; and

Before the question was put thereon,

The House adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, JANUARY 15, 1831.

The House met pursuant to adjournment.

The consideration of the bill supplemental to an act providing means for the construction of the Wabash and Erie canal, depending at the last adjournment, was resumed.

Mr. Ferris moved to lay the same on the table;

Which motion was decided in the negative.

The motion made by Mr. Hoover, to recommit said bill to the committee on canals and internal improvements, undetermined when said bill was last under consideration, was then discussed; and

The question being put thereon,

And the ayes and noes being called for by two members,

Those who voted in the affirmative, are,

Messrs. Bence, Bentley, Casey, Coffin, Finley, Hall, Hamilton, Herod, Hoover, Lane, Levenworth, Logan, Lowry, Lynd, M'Pheeters, Paddacks, Parks, Pitcher, Roe, Schoorover, Smiley, Soper, Stewart, Work, Wright and Zenor—26.

And those who voted in the negative, are,

Messrs. Beard, Bell, Boon, Brown, Bussell, Claypool, Craig, Crume, Decker, Dowden, Dumont, Elliott, Ferris, Galletely, Gardner, Hendricks, Hillis, Holman, Kinney, Long, M'Nary, Owens, Pollock, Read of D. and M., Reid of F., Reiley, Russell, Semans, Skeen, Wallace of F., Wallace of J., Worth and Hawk, Speaker—33.

And so said motion was decided in the negative.

Mr. M'Pheeters moved that the said bill be recommitted to the committee on canals and internal improvements, with instructions to amend the same so as to authorise the present canal commissioners to have No. 1 of the middle division of the canal, as reported to this House by the state engineer, grubbed; and to provide for loaning the canal fund now on hand, and which may hereafter accrue, at the rate of 6 per cent. interest payable in advance yearly, and the principal payable on the 1st March, 1841, on such security, and under such provisions as prescribed for loaning the state seminary fund:

And before the question was put thereon,

The House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment,

And resumed the consideration of the bill supplemental to an act providing means for the construction of the Wabash and Erie canal.

Mr. Crume moved to lay the same, together with the motion of Mr. M'Pheeters, to recommit instructions, depending at the last adjournment, on the table;

Which was decided in the negative.

Mr. Long moved to amend said instructions so as to authorise the canal commissioners to apply the money on hand, together with that which may be realized during the ensuing year, to the cutting of the canal on the summit section, as located by the canal commissioners; and

The ayes and noes being required thereon by two members

Those who voted in the affirmative, are,

Messrs. Beard, Bell, Boon, Brown, Bussell, Casey, Claypool, Decker, Dowden, Dumont, Elliott, Ferris, Finley, Galletely, Hall, Hendricks, Hillis, Holman, Kinney, Long, M'Nary, Owens, Pitcher, Read of D. and M., Reid of F., Reiley, Russell, Semans, Skeen, Wallace of F., Wallace of J. and Worth—32.

And those who voted in the negative, are,

Messrs. Bence, Bentley, Coffin, Craig, Crume, Gardner, Hamilton, Herod, Hoover, Lane, Levenworth, Logan, Lowry, Lynd, M'Pheeters, Paddacks, Parks, Roe, Schoenover, Smiley, Soper, Work, Wright, Zenor and Howk, Speaker—25.

And so said motion was carried in the affirmative.

The question then recurring on the said motion of Mr. M'Pheeters to recommit, with instructions as amended; and

The ayes and noes being required thereon by two members;

Those who voted in the affirmative are,

Messrs. Beard, Bell, Boon, Brown, Bussell, Casey, Claypool, Decker, Dowden, Dumont, Elliot, Ferris, Finley, Galletely, Hall, Hendricks, Hillis, Holman, Kinney, Lane, Long, M'Nary, Owens, Pitcher, Read of D. and M., Reid of F., Reiley, Russell, Semans, Skeen, Wallace of F., Wallace of J. and Worth—33.

And those who voted in the negative, are,

Messrs. Bence, Bentley, Coffin, Craig, Crume, Gardner,

Hamilton, Herod, Hoover, Levenworth, Logan, Lowry, Lynd, M'Pheeters, Paddacks, Parks, Roe, Schoonover, Smiley, So-per, Work, Wright, Zenor and Howk, Speaker—24.

And so said motion was carried in the affirmative.

Mr. Elliott from the joint committee on enrolled bills, reported,

That they did, on this day, present to the Governor for his approval and signature, the following enrolled bills entitled acts, to wit:

An act organizing the supreme court and defining its powers and duties.

An act to vacate part of Waterstreet in the town of Green-castle, and for other purposes.

An act regulating divorces.

An act authorising the appointment of constables, and defining their powers and duties.

The House proceeded to consider the following message received from the Senate yesterday, by Mr. Morris, their assistant secretary, viz.

Mr. Speaker—

The Senate has passed bills of the House of Representatives entitled

1. "An act to authorise the circuit court of the county of Posey to change the venue in a certain case therein named."

2. "An act to republish and continue in force the several acts and joint resolutions relative to the permanent seat of government, and the affairs of the town of Indianapolis."

3. "An act relative to foreign attachments; and

4. "An act regulating the action of replevin."

The 1st and 2d without, and the 3d and 4th with amendments;

They have passed bills of the senate, entitled

"An act to incorporate the town of Madison."

"An act to incorporate the Madison insurance company."

"An act to regulate the mode of summoning and empannelling grand and petit jurors;" and

"An act to incorporate the town of Perrysville."

In which amendments to the bills of the House, and bills of the Senate, the concurrence of the House of Representatives is requested.

The amendments proposed by the Senate to the bills of the House, therein named, were severally read and agreed to.

Ordered, That the clerk inform the Senate thereof.

The bills of the Senate, first and secondly in said message named, were severally twice read (the rules of the House hav-

ing first been dispensed with) and ordered to be read a third time on Monday next.

The rules of the House were dispensed with, and the bill of the Senate, 3dly named in said message, was twice read; when

Mr. Bentley moved to amend the same, by striking out the word "eighteen," where it occurs, (being the number of grand jurors required,) and inserting in lieu thereof the word "fifteen;"

And before the question was put thereon,

On motion of Mr. Wallace of J.,

Ordered That said bill be committed to a committee of the whole House for Monday next.

And then the House adjourned until Monday morning nine o'clock.

MONDAY MORNING, JANUARY 17, 1831.

The House met pursuant to adjournment.

Mr. Worth from the joint committee on enrolled bills, reported,

That they had compared the enrolled with the engrossed bills entitled as follows:

An act defining the duties of Recorders,

An act to regulate the mode of doing county business in the several counties in this state.

An act authorising domestic attachments and regulating proceedings thereon.

An act concerning the Secretary of State.

An act to locate a state road from Connersville in Fayette county, to Louisville in Henry county.

An act providing for a relocation of a part of the Fort Wayne state road.

An act confirming the sale of certain school sections therein named.

An act for the relief of John Smith and others.

An act to authorise the circuit court of the county of Posey to change the venue in a certain case therein named.

An act for the relief of Alpha Frisbie.—Also

A joint resolution to improve the navigation of the Wabash and White rivers;

And found the same truly enrolled; when

The Speaker signed said bills and joint resolution.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

The Speaker presented a memorial of Arthur Watis praying a premium of three hundred dollars for the discovery of the disease commonly called "milk sickness," and \$300 additional for the antidote when discovered, and for the appointment of a board of commissioners by the Legislature, to decide upon the matter;

Which was read and referred to the same select committee heretofore appointed on that subject under a resolution of this House.

Mr. Hoover presented a petition of John York and others, and a petition of Robert Thompson and others, severally praying the establishment of a state road from New Castle, to run with the county road commonly called the Shock's mill road, till it intersects the national road in Wayne county;

Which were read and laid on the table.

Mr. Pollock presented two remonstrances of sundry citizens of Dearborn county, against any change in their mode of doing county business:

Which were read and ordered to lie on the table.

Mr. Work presented a petition of sundry citizens of Clark county, praying an amendment of the poor laws, in such manner as to prohibit the introduction of paupers from other states, under the penalty of fine or imprisonment;

Which was read and referred to the committee on the judiciary.

Mr. Galletely presented several remonstrances of citizens of Owen county, against a change in the mode of doing their county business;

Which were read and ordered to lie on the table.

Mr. Russell presented a petition of Robert Patterson, lesser of a lot of land on the donation near Indianapolis praying relief;

Which, together with an accompanying document, was read and referred to the committee on the affairs of the town of Indianapolis.

Mr. Soper presented the several petitions of Samuel Graham, guardian of the minor heirs of Caleb Shelledy, dec'd, and of Elizabeth Shelledy, widow of said dec'd, praying an act to authorise the sale of certain lands of said infant heirs;

Which were read and referred to the same select committee to which a former petition on that subject was referred.

Mr. Worth presented a petition of C. G. Nussey and others, praying the location of a state road from Indianapolis through

Mooresville, in a direction to Spencer till it intersect the state road from Spencer to Danville;

Which was read and ordered to lie on the table.

Mr. Beard presented a petition of sundry citizens of Montgomery, Fountain and Warren counties, praying a further appropriation from the three per cent. fund upon the state road from Crawfordsville to the Illinois state line, in the direction of Chicago;

Which was read and laid on the table.

Mr. Russell presented a communication from George Smith and three others, proposing in consideration of an assignment by the state of her interest in the donation at Indianapolis, to build a state house worth \$50,000;

Which was read and laid on the table.

Mr. Galletely presented two petitions citizens of Owen county, severally praying an appropriation from the three per cent. fund to build bridges over Rattlesnake and Fish creeks, on the road from Vincennes to Indianapolis;

Which were read and referred to the select committee heretofore appointed to make a general distribution of said fund.

Mr. Hall made the following report, which was read and concurred in:

The judiciary committee to whom was referred the petition of sundry citizens of Putnam and Montgomery counties, praying for the formation of a new county, have had the subject under consideration, and now report,

Those counties have a surplus territory of about two hundred square miles, over the constitutional size: Out of this territory it is proposed to form a new county. Taking into consideration the size the county would be if organized, and the irregular shape in which it would leave the counties of Putnam and Montgomery, your committee are of opinion it would be highly impolitic ever to form a new county out of the territory described in said petition: Your committee, therefore, pray to be discharged from the further consideration of the subject.

Ordered, That the committee be discharged from the further consideration of said petition.

Mr. Russell from the committee on the affairs of the town of Indianapolis, to which was referred the petition of David Buchanan, reported a bill for the relief David Buchanan, security of Joseph C. Reed. deceased;

Which was read the first time and passed to a second reading.

Mr. Pollock from the committee on roads, to which was referred the petition of Ashbel Stone and others, praying an appropriation from the three per cent. fund, on the road leading from Rushville to Indianapolis, reported it inexpedient to legislate on that subject at this time;

Which was read and concurred in.

Mr. Gardner from the committee on roads, to which was referred a resolution of this House, directing them to enquire into the expediency of so amending the law as to specify the time when new settlers shall be liable to work on roads, reported that they have had the same under consideration, and are of opinion that it is inexpedient to legislate on that subject at this time.

Which report was read and concurred in.

Mr. Holman from the committee on canals and internal improvements, to which was referred a resolution directing them to enquire into the expediency of changing the grant of land donated for the construction of the Wabash and Erie canal, so as to construct a rail-road from Lafayette on the best route to Lake Michigan, or by Fort Wayne to Lake Erie, reported that they have had the same under consideration, and deem a change wholly uncalled for; and that it is inexpedient to legislate any further on that subject;

Which report was read and concurred in.

Mr. Kinney from the committee on canals and internal improvements, to which was re-committed the bill supplemental to the act providing means for the construction of the Wabash and Erie canal, with instructions, reported the same with sundry amendments;

Which were read and concurred in; and

On motion of Mr. Hoover,

The said bill was re-committed to a committee of the whole House for to-morrow.

A message was received from the Governor by Mr. Heylin his private secretary, notifying—

That he did, on this day, approve and sign the following acts, to-wit:

An act to vacate part of Waterstreet in the town of Greencastle, and for other purposes.

An act regulating divorces.

An act organizing the supreme court and defining its powers and duties.

Mr. Holman from the select committee appointed to enquire into the expediency of laying off the Wabash country between Logansport and Fort Wayne into new counties, reported that they have had the same under consideration, and are of opinion that it is unnecessary to legislate farther on that subject at this time;

Which was read and concurred in by the House.

Mr. Finley from the select committee to which was referred "a bill to authorise the vacation of towns," reported that according to instructions of the House, they have amended the first section thereof, by striking out the words "circuit court," and inserting "the board doing county business," and wherever the word "court" occurs throughout the bill, by inserting in lieu thereof the word "board;"

In which amendments the House concurred; and

On motion of Mr. Crume,

Ordered, That said bill do lie on the table.

Mr. Dumont moved the following resolution:

Resolved, That hereafter, during the present session, this House will hold evening sessions, to commence at 6 o'clock P. M., unless otherwise determined on by the previous adjournment each afternoon.

Mr. Hoover moved to lay said resolution on the table;

Which motion was decided in the negative; and

On motion of Mr. Boon,

The further consideration thereof was postponed until the first Monday in August next.

The House resumed the consideration of the message received from the Senate on the 14th instant, depending at the last adjournment.

The last bill of the Senate, named in said message, was read the first time and passed to a second reading.

The House proceeded to consider the following message received from the Senate on Saturday last by Mr. Morris, their assistant secretary, viz.

Mr. Speaker—

The Senate concur in the amendments proposed by the House of Representatives to the engrossed bill, of the Senate, entitled

"An act to provide for a state road from Merom in Sullivan county to some point on the Terre-Haute and Bono state road.

They concur in the 1st, 2d, 3d and 4th amendments proposed

by the House of Representatives to the engrossed bill of the Senate entitled

“An act regulating general elections;”

But disagree to the 5th and 6th amendments proposed to said bill.

They also disagree to *all* the amendments proposed by the House to the engrossed bill of the Senate, entitled

“An act to provide for electing county and township officers.”

Mr. Hoover moved that the House insist on their 5th amendment to the said engrossed bill of the Senate secondly above named;

Which motion was decided in the negative; and then

On motion of Mr. Boon,

The House receded from said amendment.

On motion of Mr. Read of D. and M.,

The House receded from their 6th amendment to said bill.

They also receded from their amendments to the bill of the Senate last in said message named.

Ordered, That the clerk inform the Senate thereof.

The House then proceeded to consider the following message received from the Senate on Saturday last by Mr. Morris their assistant secretary:

Mr. Speaker,

The Senate disagree to the amendment proposed by the House of Representatives to the 3d amendment proposed by the Senate to the engrossed bill from the House of Representatives, entitled

“An act to incorporate the Lawrenceburgh bridge company.”

Whereupon,

The House did recede from their said amendment to the 3d amendment of the Senate to the bill of the House above named.

Ordered, That the clerk inform the Senate.

A message from the Senate by Mr. Morris their assistant secretary:

Mr. Speaker,

The Senate insist on the third amendment proposed by them to the engrossed bill from the House of Representatives entitled

“An act to regulate descents, distribution and dower.

The amendment of the Senate named in said message, is by striking out of the latter clause of the 6th section of said bill, which section reads in these words:

Sec. 6. When for want of issue of the intestate, and of fa-

ther or mother, brothers or sisters, or their descendants, the estate as before directed, descends in equal parts to the paternal and maternal kindred—shall for the want of such kindred go to the wife; but should he have none, then the estate shall be applied to the support of free schools in the county in which such property is situated,” all after the word “estate,” where it last occurs, and inserting in lieu thereof the following words: “or the proceeds thereof shall be paid into the state treasury.”

Mr. Hillis moved that the House insist on their disagreement to said amendment; and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Beard, Bell, Bentley, Boon, Brown, Bussell, Casey, Claypool, Craig, Decker, Dumont, Elliott, Ferris, Finley, Galately, Gardner, Hall, Hendricks, Herod, Hillis, Holman, Lane, Levenworth, Long, McNary, Owens, Paddacks, Pitcher, Roe, Semans, Smiley, Soper, Wallace of J., Worth, Wright, and Hawk' Speaker—36.

And those who voted in the negative, are,

Messrs. Bence Crume, Dowden, Hamilton, Hoover, Kinney, Logan, Lowry, Lynd, McPheeters, Parks, Pollock, Read of D. and M., Reid of F., Reiley, Russell, Schoonover, Skeen, Stewart, Wallace of F., Work and Zenor—23.

And so the House insisted on their disagreement to said amendment;

Ordered, That the clerk inform the Senate thereof.

The House then proceeded to consider the orders of the day:

The bill legalizing the proceedings of trustees therein named;

Was read the second time and ordered to be engrossed and read a third time to-morrow.

The bill supplemental to an act entitled “An act to encourage the killing of wolves, approved January 27, 1827;

Was read the second time and committed to a committee of the whole House for to-morrow.

Engrossed bills of the House of the following titles to-wit:

The bill relative to the borough of Vincennes, and

The bill to establish and regulate ferries,

Were severally read the third time and passed.

Ordered, That the same be entitled acts, and that the clerk carry them to the Senate and ask their concurrence;

And then the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment,

The engrossed bill of the House to establish and re-locate a part of the Madison state road, and

The engrossed memorial and joint resolution for the relief of John Kimberlin,

Were severally read the third time and passed;

Ordered, That the said bill be entitled an act, and that the clerk carry it together with said memorial to the Senate and ask their concurrence.

Engrossed bills of the Senate of the following titles:

An act to incorporate the Madison insurance company, and

An act to incorporate the town of Madison,

Were severally read the third time and passed.

Ordered, That the clerk inform the Senate.

The House resolved itself into a committee of the whole, on the bill relative to county boundaries, and after some time spent therein, the speaker resumed the chair, and Mr. Paddacks reported the same with sundry amendments;

Which were read and concurred in, and

On motion of Mr. Logan,

Ordered, That said bill do lie on the table.

The House resolved itself into a committee of the whole on the bill regulating the interest of money in the state of Indiana, and after some time spent therein, the speaker resumed the chair, and Mr. Parks reported the same without amendment.

Mr. Boon moved to amend the second section thereof, which reads in these words:

"Sec. 2. No person shall on any contract that may be made directly or indirectly take, for the loan or use or forbearance of money, or other commodity above the rate or value of six dollars for the use or forbearance of one hundred dollars, or the value thereof for one year, and so proportionably for any greater or less sums; unless the agreement to pay a higher rate of interest be made in writing and signed by the party to be charged;" by striking out the latter clause thereof from the word "unless," and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Beard, Bell, Bentley, Boon, Brown, Crume, Decker, Galletely, Hamilton, Hendricks, Hullis, Holman, Lane, Lo-

gan, Paddacks, Schoonover, Semans, Smiley, Wright, Zenor and Howk, Speaker—21.

And those who voted in the negative, are,

Messrs. Bence, Bussell, Casey, Claypool, Coffin, Craig, Dumont, Ferris, Finley, Gardner, Hall, Herod, Hoover, Kinney, Kinney, Levenworth, Long, Lowry, Lynd, Owens, Parks, Pitcher, Pollock, Reid of F., Reiley, Roe, Russell, Skeen, Soper, Wallace of F., and Worth—31.

And so said motion was decided in the negative.

Mr. Crumè moved to amend said bill by adding at the end of the second section, the following:

“Provided, That interest shall in no case exceed the rate of 12½ per cent;”

Which motion was decided in the negative.

Mr. Soper moved to amend by adding a proviso to the second section, that interest should not be recoverable at a higher rate than 15 per cent, and

Before the question was put,

On motion of Mr. Hillis,

The said bill and motion were ordered to lie on the table.

A message from the Senate, by Mr. Morris their assistant secretary:

Mr. Speaker—

The Senate has passed bills of the House of Representatives entitled as follow:

An act to provide for opening a part and re-locating a part of the Mauk's Ferry state road.

An act to provide for the appointment of circuit prosecutor, and defining his duties.

An act organizing circuit courts and defining their powers and duties, the first *without*, the two last *with* amendments.

They have also passed bills of the Senate entitled,

An act for the relief of the superintendant of the state prison.

An act to incorporate the Shelby county Seminary, in which, and the amendments to the preceding acts, the concurrence of the House of Representatives is requested.

The Senate insist on their *third amendment* to the engrossed bill of the House of Representatives, entitled

An act to regulate descents, distribution and dower, and have appointed Messrs. Grayham and Depauw, a committee of free conference, to take into consideration the disagreeing votes of the two Houses on the the subject of said amendment, and request the appointment of a similar committee on the part of the House of Representatives.

They have also passed a joint resolution respecting the printing of a certain act therein named, in which the concurrence of the House of Representatives is requested.

The amendments proposed by the Senate to the bills of the House, secondly and thirdly, in said message named,

Were severally read and agreed to.

Ordered, That the clerk inform the Senate thereof.

The bill of the Senate first named in said message,

Was twice read (the rules of the House having first been dispensed with) and committed to a committee of the whole house for to-morrow.

The bill of the Senate secondly therein named,

Was twice read (the rules of the House having first been dispensed with) and ordered to be read a third time to-morrow.

The joint resolution from the Senate therein named,

Was twice read (the rules of the House having first been dispensed with) and laid on the table.

Mr. Worth from the joint committee on enrolled bills, reported,

That they did on this day present to the Governor for his approval and signature the following enrolled bills and joint resolution, to-wit:

An act to regulate the mode of doing county business in the several counties in this state.

An act authorising domestic attachments and regulating proceedings thereon.

An act defining the duties of Recorders.

An act for the relief of Alpha Frisbie.

An act to authorise the circuit court of the county of Posey to change the venue in a certain case therein named.

An act for the relief of John Smith and others.

An act confirming the sale of certain school sections therein named.

An act providing for a relocation of a part of the Fort Wayne state road.

An act to locate a state road from Connersville in Fayette county, to Louisville in Henry county.

An act concerning the Secretary of State, and

A joint resolution to improve the navigation of the Wabash and White rivers;

And then the House adjourned until to-morrow morning nine o'clock.

TUESDAY MORNING, JANUARY 18, 1834.

The House met pursuant to adjournment.

Mr. Hoover moved that a committee of free conference be appointed on the part of this House to take into consideration with the committee on the part of the Senate, the subject matter of the disagreeing vote of the two Houses on the third amendment proposed by the Senate to the engrossed bill of the House regulating descents, distribution and dower;

Which motion was carried in the affirmative.

Whereupon,

Messrs. Dumont and Hillis were appointed that committee.

Ordered, That the clerk inform the Senate thereof.

On motion of Mr. Hoover,

The engrossed bill of the House to establish a state road from Richmond in Wayne county, to Fort Wayne in Allen county, heretofore laid on the table, was taken up and considered.

The amendment proposed thereto by the Senate, was agreed to with an amendment.

Ordered, That the clerk inform the Senate thereof and ask their concurrence in the said amendment of the House.

Mr. Herod presented a petition of sundry citizens of Bartholomew county, praying a change in the mode of doing their county business;

Which was read and laid on the table.

Mr. Russell from the committee on the affairs of the town of Indianapolis to which was referred the petition of Robert Patterson, reported a joint resolution for the relief of the petitioner;

Which was read the first time and passed to a second reading.

Mr. Russell from the same committee to which was referred a resolution of the House on that subject, reported a bill to authorise the agent of state for the town of Indianapolis to lay off the lands belonging to the state into lots, and offer the same for sale;

Which was twice read (the rules of the House having first been dispensed with) and committed to a committee of the whole House for to-morrow.

Mr. Pollock from the committee on roads to which was referred the petition of Jonathan Kellar and others, reported a

bill to locate a state road from Miamiesport in Cass county, to intersect the Michigan road in a direction to the southern bend of the Big St. Joseph river where the said road crosses the Tippecanoe river;

Which was read the first time, and passed to a second reading.

Mr. Holman from the committee on canals and internal improvements to which was referred so much of the Governor's message as relates to the Wabash and Erie canal, reported

That they have had the subject under consideration, and deem it unnecessary to legislate further thereon at this time;

Which report was read and concurred in.

Mr. Galletely from the committee on canals and internal improvements, to whom was referred a resolution for an inquiry into the propriety and utility of applying to Congress for the employment of snag boats to improve the navigation of the Wabash and White rivers, reported

That they have had the same under consideration, and are of opinion that from the increased and fast increasing trade on those rivers; the immense tract of country they pass through—the large tracts of land both public and private, that would receive an increased value from the improvement of said rivers, taking the preceding statements into consideration, with a number of other facts; the obligation on Congress to grant us aid, appears to be irresistible; particularly when we take into consideration that such aid has been offered to neighboring streams.

Which report was accompanied by a joint resolution of the state of Indiana;

Which was read the first time and passed to a second reading.

Mr. Kinney made the following report:

The committee on the judiciary, to which was referred the resolution of this House, instructing them to enquire into the propriety of repealing all laws and parts of laws declaring streams navigable, the beds of which have been sold by the United States, and whether such laws are constitutional unless compensation be made to the owner thereof; have had the same under consideration, and have instructed me to report, that the ordinance of Congress of the 13th July, 1787, which declares that the navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common high ways and forever free, as well to the inhabitants

of the said territory as to the citizens of the United States, &c." has placed those streams beyond the reach of legislation—that neither this state nor the General Government has power to authorise any obstruction to be erected therein. This provision is a compact, and cannot be recinded, except by common consent. Any law which authorises mill dams to be erected in these streams so as to obstruct the navigation thereof, are believed to be violations of the spirit and letter of this compact, calculated to frustrate the enlightened policy of its provisions, and of no validity.—These laws are calculated to do much evil, by attempting to create rights which have no existence, and inspire hopes which cannot be realized. Those streams, the beds of which have been sold, and which are not public high ways within the meaning of the aforesaid ordinance, are believed by your committee to rest upon the same footing as all other private property; and can only be taken for public use by paying an equivalent. These positions seem to be self-evident; but a question more of fact than of law seems here to present itself:—What streams are within the spirit of the ordinance of '87? Your committee are not prepared from the lights they have to decide this question; but they will venture to suggest, that until some other rule shall be established, the patents of the General Government, based upon the surveys of its officers, will be the safest rule of action for the state of Indiana.

It seems therefore that all laws which take individual property of this description without compensation to the owner, are unconstitutional and void, and ought to be repealed, or so amended as to indemnify the proprietor.

Mr. Soper from the select committee to which was referred the petition of Samuel Graham and others, reported a bill for the benefit of the widow and heirs of Caleb Shellidy, deceased;

Which was twice read, (the rules of the House having first been dispensed with,) and ordered to be engrossed and read a third time to-morrow.

Mr. Parks from the select committee to which a resolution of the House, and the memorial of Arthur Watts on that subject were referred, reported a joint resolution allowing a premium for discovering the cause of the milk sickness;

Which was twice read (the rules of the House having first been dispensed with,) when

Mr. Bussell moved to fill the blank therein with the words "\$1000," (being the amount of premium offered.)

Before the question was put, it was

Ordered, That said joint resolution be committed to a committee of the whole House for to-morrow.

Mr. Galletely from the select committee to which was referred the bill for the appropriation of money to aid in building a bridge across Eel river, reported the same with an amendment, Which was read and concurred in.

Ordered, That said bill be engrossed and read a third time to-morrow.

The speaker laid before the House, a map of the town of Indianapolis and donation lands adjoining, from the agent of state, pursuant to a resolution of the House.

Mr. Bell from the select committee to which was referred the petition of sundry citizens of Madison county, reported a bill authorising David Williams, to erect a mill dam across the west fork of White river;

Which was read the first time and passed to a second reading.

Mr. Ferris moved the following resolution:

Resolved, That during the balance of the session, this House will not adjourn in the morning before 12 o'clock, nor in the evening before 5 o'clock, unless the orders of the day are gone through with sooner; and if any member should find it inconvenient to attend to business that length of time, he may on application to the speaker, have leave to withdraw.

Mr. Hoover moved to amend said resolution by adding thereto the following: "unless there should be a majority in favor of adjourning earlier;" and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Bence, Bentley, Boon, Casey, Elliott, Finley, Gardner, Holman, Hoover, Lane, Levenworth, Lowry, M'Nary, Paddacks, Pollock, Reid of F., Roe, Russell, Semans, Skeen, Smiley, Stewart, Wallace of F., Wallace of J., Worth, and Howk, Speaker—26.

And those who voted in the negative are,

Messrs. Beard, Bell, Brown, Bussel, Claypool, Coffin, Craig Decker, Dowden, Dumont, Ferris, Galletely, Hall, Hendricks, Herod, Hillis, Kinney, Logan, Lynd, Owens, Parks, Pitcher, Reiley, Schoonover, Soper, Wright, and Zenor—27.

And so said motion was decided in the negative.

Mr. Boon moved to amend said resolution by adding thereto

these words, "and it shall be the duty of the speaker to announce to the House when the said hours of 12 and 5 arrive,"

And before the question was put,

On motion of Mr. Herod,

Ordered, That the resolution and proposed amendment, lie on the table.

On motion of Mr. Stewart,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of repealing all laws now in force inflicting the punishment of death, and substituting in lieu thereof, solitary confinement in the state prison, with leave to report by bill or otherwise.

Mr. Galletely moved the following resolution:

Resolved, That the judiciary committee be instructed to enquire into the propriety of allowing those counties where a majority of the citizens have petitioned this House against changing the mode of doing county business in the way it is now transacted, to do their business as they now transact it, and that said committee report by bill or otherwise:

And the question being put on its adoption,

It was decided in the negative.

The House then proceeded to consider the orders of the day:

The bill for the relief of David Buchanan, security of Joseph C. Reed, deceased;

Was read the second time and ordered to be engrossed and read a third time to-morrow.

The engrossed bill from the Senate to incorporate the town of Perrysville,

Was read the second time and passed to a third reading to-morrow.

The engrossed bill from the Senate to incorporate the Shelby county seminary,

Was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

The House resolved itself into a committee of the whole on the bill to encourage the manufacture of salt in the state of Indiana, and after some time spent therein, the Speaker resumed the chair, and Mr. Pitcher reported the same with sundry amendments;

Which were read and concurred in.

Ordered, That said bill do lie on the table.

The House resolved itself into a committee of the whole on the engrossed bill from the Senate providing for the construc-

tion of a bridge over mill creek in Owen county, and after some time spent therein, the Speaker resumed the chair, and Mr. Pollock reported the same without amendment.

The said bill was then ordered to be read a third time to-morrow;

The House resolved itself into a committee of the whole on the engrossed bill from the Senate regulating the practice in suits at law, and after some time spent therein, the speaker resumed the chair, and Mr. Reid of F., reported progress and asked leave to sit again;

Which leave was granted;

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment,

And again resolved itself into a committee of the whole on the engrossed bill from the Senate, regulating the practice in suits at law, and after some time spent therein, the speaker resumed the chair, and Mr. Read of D. and M., reported the same with sundry amendments;

Which were read and concurred in.

Ordered, That said amendment be engrossed and the bill read a third time to-morrow.

The House resolved itself into a committee of the whole on the bill to increase the school fund in the several congressional townships in the state of Indiana; and after some time spent therein, the speaker resumed the chair, and Mr. Reiley reported the same with one amendment, to wit: by striking out the first section from the enacting clause,

In which the House concurred.

Mr. Dumont moved to amend said bill by inserting in lieu of the first section which was stricken out, the following:

"That in addition to the state tax, there shall be charged ten per cent. thereon, which after deducting the commission for collecting the same, shall be paid by the collector to the school commissioner of the proper county, on or before the 31st of December in each year."

Mr. Kinney moved to amend said amendment by striking out thereof the words "school commissioner," and inserting in lieu thereof the words "state treasurer;"

Which motion was decided in the negative.

The question then recurring on the amendment proposed by Mr. Dumont, and

And the ayes and noes being called for by two members,

Those who voted in the affirmative, are,

Messrs. Boon, Casey, Dumont, Galletely, Hall, Hillis, Holman, Kinney, Lane, Levenworth, Lowry, M'Nary, Owens, Reiley, Roë, Russell, Soper, and Wallace of J.—18.

And those who voted in the negative, are,

Messrs. Beard, Bence, Bentley, Brown, Bussell, Claypool, Coffin, Crume, Decker, Elliott, Ferris, Finley, Gardeer, Hamilton, Hendricks, Herod, Hoover, Logan, Long, Lynd, McPheeters, Paddacks, Parks, Pitcher, Pollock, Read of D. and M., Reid of F., Schoonover, Semans, Skeen, Smiley, Stewart, Wallace of F., Work, Worth, Wright, Zenor and Hawk, Speaker—38.

And so said motion was decided in the negative.

On motion of Mr. M'Pheeters,

The further consideration of said bill was indefinitely postponed.

The House resolved itself into a committee of the whole on the joint resolution relative to the Governor's house; and after some time spent therein, the Speaker resumed the chair, and Mr. Russell reported the same with one amendment;

Which was read and concurred in.

Mr. Russell moved to amend said joint resolution by striking it out from the resolving clause, being the words following, to-wit:

"That the agent of the town of Indianapolis, be directed forthwith to cause to be fitted and prepared in a proper manner, apartments in the house now erected on the circle called the Governor's Circle, for the reception of the offices of secretary of state, auditor of public accounts, agent of the town of Indianapolis, and agent of the three per cent. fund. That said agent of the town of Indianapolis shall consult with the several officers as to the kind of manner & improvement to be made in their respective apartments.

Resolved, That said agent be further directed forthwith to cause the cellar under said house to be cleaned, and proper and sufficient doors made to enable him to shut the same and keep it clean; and have the roof and all other parts of the building completely repaired, and kept in repair; and further to cause to be erected the necessary out buildings and fences in the most suitable place;"

And by inserting in lieu thereof the following:

That the agent of state for the town of Indianapolis, be authorised forthwith to contract with the cabinet workmen of this town for the making of a suitable quantity of good and substantial furniture for the accommodation of the Governor of this state, but not to exceed in value one thousand dollars, to be made under the direction of the Governor; and when so made to be deposited in the house erected on the circle in this town, for a Governor's residence: and the said agent shall cause the cellar of said house to be cleaned out, and good and sufficient doors made and hung in the same, and have the roof of the said building repaired, and shall also cause to be erected on the circle, all the necessary out buildings on such part of the circle as he may think best, for the accommodation of the Governor, and also to cause the said circle to be enclosed with a good and substantial paling fence, at least six feet in height, with a sufficient number of steps and gates in the same; and when the said house shall have been furnished and repaired as above mentioned, the agent shall notify the Governor of the same, and if the Governor refuse or neglect to occupy the same, the state shall refuse to make any further allowance for house rent."

Mr. Wallace of J., moved to amend said amendment by striking out the word "one," before the word "thousand" in the first clause thereof, and inserting in lieu thereof the word "five,"

Which motion was decided in the negative.

A motion was made by Mr. Boon to postpone indefinitely the further consideration of said joint resolution and proposed amendment;

Which was decided in the negative.

Mr. Wallace of F., moved to amend said amendment by striking out the words "one thousand," in the first clause thereof, and inserting in lieu thereof the words "twelve hundred;"

Which passed in the affirmative.

On motion of Mr. Boon,

The said amendment was further amended by striking out of the first clause thereof, the words "with the cabinet workmen of this town."

Mr. Crume moved further to amend said amendment by striking out these words from the first clause thereof "to be made under the direction of the Governor;"

Which motion was carried in the affirmative.

The question recurring on the amendment proposed by Mr. Russell as amended;

It was decided in the negative.

The question then being put,

"Shall the joint resolution be engrossed and read a third time to-morrow?" and

The ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Coffin, Ferris, Finley, Hall, Hamilton, Hillis, Holman, Hoover, Kinney, Levenworth, Parks, Pitcher, Pollock, Read of D. and M., Reid of F., Russell, Semans, Skeen, Smiley, Soper, Wallace of F., Wallace of J., Worth, Wright, and Howk, Speaker—25.

And those who voted in the negative, are,

Messrs. Bell, Bence, Bentley, Boon, Brown, Bussell, Claypool, Craig, Crume, Decker, Dowden, Dumont, Galletely, Gardner, Hendricks, Herod, Lane, Logan, Lowry, Lynd, McNary, McPheeters, Owens, Paddacks, Reiley, Roe, Schoonover, Stewart, Work, and Zenor—30.

And so said joint resolution was rejected.

The House resolved itself into a committee of the whole on the bill to locate a state road from Wood's ferry on the east fork of White river, by the way of Spencer in Owen county, to Greencastle in Putnam county; and after some time spent therein, the Speaker resumed the chair, and Mr. Schoonover reported the same with one amendment;

Which was read and concurred in by the House.

The said bill was then ordered to be engrossed and read a third time to-morrow.

And then the House adjourned until to-morrow morning nine o'clock.

WEDNESDAY MORNING, JANUARY 19, 1831.

The House met pursuant to adjournment.

Mr. Worth from the joint committee on enrolled bills reported,

That they had compared the enrolled with the engrossed bills entitled as follows:

"An act to provide for a state road from Merom in Sullivan county to some point on the Terre-Haute and Bono state road, and for other purposes.

An act to provide for the appointment of circuit prosecutor, and defining his duties.

An act to provide for opening a part and re-locating a part of the Mauk's Ferry state road.

An act regulating the action of replevin.

An act relative to foreign attachments.

An act concerning clerks.

And found the same truly enrolled; when

The Speaker signed said bills.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

Mr. Claypool presented a petition of John H. Bryant and others, praying an appropriation of money on the state road from Crawfordsville to Covington;

Which was read and laid on the table.

Mr. Read of D. and M. from the committee of ways and means, reported a bill making specific appropriations for the year 1831;

Which was twice read (the rules of the House having first been dispensed with) and committed to a committee of the whole House for to-morrow.

Mr. Pollock from the committee on roads, to which was referred the petition of John Brown and others, praying an appropriation of money on the state road from Bono to Terre-Haute, reported that they have had the same under consideration, and are of opinion that it is inexpedient to legislate on that subject at this time;

Which was read and ordered to lie on the table.

Mr. Gardner from the committee on roads to which was referred the petition of George H. Kirkpatrick and others, reported a bill to provide for the changing a part of the state road leading from Terre-Haute through the New Discovery to Crawfordsville;

Which was twice read (the rules of the House having first been dispensed with) and committed to a committee of the whole house for to-morrow.

Mr. Lane from the committee on roads to which was referred the petition of sundry citizens of Union township, Vanderburgh county, reported a bill to repeal an act therein named;

Which was read the first time and passed to a second reading.

On motion of Mr. Long,

Resolved, That the committee on the affairs of the town of Indianapolis be instructed to enquire into the expediency of sell-

ing the house built in the town of Indianapolis, for the use of the Governor, with the lot on which it stands.

Mr. Hoover, after having obtained leave, presented a joint resolution relative to the converting the Governor's house into a state house;

Which was read the first time and passed ~~to a~~ second reading.

Mr. Stewart from the select committee to which were referred three petitions of citizens of Pike county in behalf of certain revolutionary soldiers, reported a joint resolution for the benefit of Thomas Mead and others;

Which was read the first time and passed to a second reading.

Mr. Wallace of F., from the select committee to which was referred the engrossed joint resolution of the General Assembly of the state of Indiana, from the Senate, on behalf of the representatives of the late John Cleves Symmes Harrison, reported the same with an amendment, to-wit: by striking out the preamble and the resolution from the resolving clause, being in the words following, to-wit:

"The General Assembly of the state of Indiana having some information of a suit, instituted by the United States, against the representatives of the late J. C. S. Harrison, (son of our eminent and worthy friend, General William Henry Harrison,) on account of an alleged defalcation of the said J. C. S. Harrison, as Receiver of the Land Office at Vincennes; and that certain credits claimed for money paid, and for services rendered, are said to be rejected by the accounting officers of the General Government, and taking into consideration that Mrs. Clarissa Harrison, the relict of the deceased, is the orphan daughter of a nation's pride, the late Gen. Z. M. Pike, of the army of the U. States, cannot suppress the strong expression of profound grief, believed to be felt in common by the citizens of this state upon the occasion.

It is known that the gallant Pike left no inheritance to his daughter, but elevated fame and just claims to a country's gratitude, and seeing her now, with her young children, the grand children of heroes, rendered dependant upon national gratitude by a dispensation of Providence, calls for an expression of our sincere condolence with the afflicted, and justifies a prayer, that the representatives of the people of the United States may interpose their benign authority, not only to liquidate the equitable claims preferred against the cause of action alluded

to, but also to afford such additional manifestation of national regard as justice, gratitude and a becoming liberality may deem proper to save the grand children of the brave Pike from pecuniary want.

Resolved, That our Senators in Congress be instructed, and our Representatives requested to use their best endeavors to arrest the progress of the suit instituted by the United States against the representatives of the late J. C. S. Harrison, by causing the equitable claims of his representatives to be liquidated on the books of the Treasury Department; and also to grant to Mrs. Clarissa Harrison, the daughter of the late General Z. M. Pike, such becoming gratuity from the United States, in manifestation of a well-merited debt of national gratitude, as they may deem just to the country.

Resolved, That the Governor be requested to forward a copy of the foregoing to Mrs. Clarissa Harrison, and a copy to each of our Senators and Representatives in Congress;”

And by inserting in lieu thereof the following:

“The General Assembly of the state of Indiana having some information of a suit, instituted by the United States, against the representatives of the late J. C. S. Harrison; and that certain credits claimed for money paid, and for services rendered, are said to be rejected by the accounting officer of the Government, and which, it is alleged, cannot be allowed by that officer (on account of the rigid rules by which he is governed) until an act of the Congress of the United States authorizes the same: Wherefore,

Resolved, That our Senators and Representatives in Congress be requested to use their endeavors to procure a suspension of the suit instituted by the United States, against the representatives of the said J. C. S. Harrison; and cause all equitable claims of his representatives to be liquidated on the books of the Treasury Department.

Resolved, That the Governor be requested to forward a copy of the foregoing to each of our Senators and Representatives in Congress;” and

The question being put on concurring in said amendment;

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Beard, Brown, Bussell, Coffin, Decker, Dowden, Elliott, Ferris, Finley, Galletely, Hall, Hamilton, Hendricks, Herod, Hillis, Hoover, Kinney, Levenworth, Owens, Paddacks,

Pollock, Reid of F., Reiley, Russell, Soper, Wallace of F., Wallace of J., Worth, Zenor and Hawk, Speaker—30.

And those who voted in the negative, are,

Messrs. Bell, Bence, Bentley, Boon, Casey, Claypool, Craig, Crume, Dumont, Gardner, Lane, Logan, Long, Lowry, Lynd, McNary, MPheeters, Parks, Pitcher, Read of D. and M., Roe, Schoonover, Semans, Skeen Smiley, Stewart, Work and Wright—28.

And so the House concurred in the said amendment.

On motion of Mr. Long,

Ordered That said joint resolution do lie on the table.

On motion of Mr. MPheeters,

The bill to perpetuate and confirm certain state roads therein named, laid on the table on the 29th ultimo, was taken up.

On motion of Mr. Skeen,

The said bill was amended by striking out therefrom, the 20th section, which read in these words:

“Sec. 20. The road from Brookville, in the county of Franklin, to Versailles in the county of Ripley, and thence to Vernon in the county of Jennings, established by the several acts approved 22d January, 1820, and the 6th January, 1823;”

And by inserting in lieu thereof, the following:

“Sec. 20. The state road from Brookville in the county of Franklin, to Versailles in the county of Ripley, shall hereafter be established as follows, to-wit:

From Brookville to the county line dividing the counties of Franklin and Ripley, on the old state road; thence to Reuben Terry's; thence to William Chamberlin's, on the Lawrenceburgh state road; thence to Kitchell's mill on Ripley creek; thence to Geo. Craig's old mill on Laughery creek; and thence to Versailles in Ripley county; and the state road from Versailles in Ripley county, to Vernon in the county of Jennings, shall remain as established by the several acts approved 22d of January, 1820, and the 6th January, 1823.”

The said bill was then ordered to be engrossed and read a third time to-morrow.

The House then proceeded to consider the orders of the day:

The joint resolution for the relief of Robert Patterson,

Was read the second time; when

Mr. Kinney moved to amend the same by striking out so much thereof as releases said Patterson from the payment of interest;

Which motion was decided in the negative.

The said joint resolution was then ordered to be engrossed and read a third time to-morrow.

The bill to locate a state road from Miamiesport in Cass county, to intersect the Michigan road in a direction to the Southern Bend of the Big St. Joseph river, where said road crosses the Tippecanoe river;

The joint resolution of the state of Indiana; and

The bill authorising David Williams to erect a mill dam across the west fork of White river,

Were severally read the second time and ordered to be engrossed and read a third time to-morrow.

Engrossed bills of the House of the following titles, to-wit:

The bill legalizing the proceedings of certain trustees therein named;

The bill for the relief of David Buchanan, security of Joseph C. Reed, deceased;

The bill for the benefit of the widow and heirs of Caleb Shelledy, deceased;

The bill to locate a state road from Wood's ferry on White river, by way of Spencer in Owen county, to Greencastle in Putnam county; and

The bill for the appropriation of money to aid in building a bridge across Eel river,

Were severally read the third time and passed.

Ordered, That the same be entitled acts, and that the clerk carry them to the Senate and ask their concurrence;

Engrossed bills of the Senate of the following titles, to-wit:

"An act to incorporate the town of Perrysville."

An act providing for the construction of a bridge over Mill creek in Owen county; and

An act regulating the practice in suits at law,

Were severally read the third time and passed;

Ordered, That the clerk inform the Senate thereof, and ask their concurrence in the amendments to the last named bill.

On motion Mr. Wallace of J.,

The orders of the day were for the present postponed, and the bill providing for opening that part of the Michigan road between Logansport in Cass county, and the county seat of Saint Joseph county, at or near the Southern bend of the Saint Joseph river, laid on the table on the 11th inst. was taken up and ordered to be referred to the committee on roads.

The House then resumed the consideration of the orders of the day.

The House resolved itself into a committee of the whole on the engrossed bill from the Senate relating to county seminaries, and after some time spent therein, the Speaker resumed the chair, and Mr. Semans reported the same with one amendment;

Which was read and concurred in.

On motion of Mr. Ferris,

The said bill was re-committed to the judiciary committee with instructions to enquire whether there is any constitutional bar to the establishment of several seminaries in each county.

On motion of Mr. Elliott,

The committee of the whole to which was committed the bill for the formation of a new county north of the county of Madison, were discharged from the further consideration thereof.

On motion of Mr. Finley,

The said bill was amended by adding the following thereto as an additional section, viz:

"That the strip of land lying between the north line of the county of Madison and the south line of the said county of Logan, be, and the same is hereby attached to the county of Madison."

Mr. Hoover moved further to amend said bill, by striking out the word "Logan," wherever it occurs, and inserting in lieu thereof the word "Fulton," (being the name of the county;)

Which motion was decided in the negative; and

On motion of Mr. Hillis,

Ordered, That said bill do lie on the table.

The House resolved itself into a committee of the whole on the engrossed bill of the Senate to regulate the mode of summoning and empannelling grand and petit jurors, and after some time spent therein, the Speaker resumed the chair, and Mr. Sken reported the same with sundry amendments;

Which were read and concurred in by the House.

The said amendments were then ordered to be engrossed and the bill read a third time to-morrow.

And then the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

On motion of Mr. Gardner,

The orders of the day, were for the present postponed, and the bill to encourage the manufacture of salt in the state of Indiana, was taken up; and

On motion of Mr. Owens,

Ordered, That it be re-committed to a select committee.

Ordered, That Messrs. Owens, Gardner, Hillis, Craig, Read of D. and M., Reiley and Dumont be that committee.

On motion of Mr. Craig,

The bill to encourage the manufacture of salt in the county of Switzerland, heretofore laid on the table, was taken up, and re-committed to the select committee last above named.

The House then resumed the consideration of the orders of the day;

And resolved itself into a committee of the whole on the bill supplemental to an act entitled "An act to encourage the killing of wolves," approved January 27, 1827, and after some time spent therein, the Speaker resumed the chair, and Mr. Smiley reported the same with sundry amendments;

Which were read and concurred in.

Mr. Owens moved further to amend the fourth section of said bill so as that it shall provide that the boards doing county business shall allow the holder of any certificate, a premium of one dollar, and may allow him an additional sum not to exceed in all \$2, in their discretion, to be paid out of the county treasury;

Which motion was decided in the negative.

Mr. Lowry moved that the further consideration of said bill be indefinitely postponed; which bill is in these words, to-wit:

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That every person who shall take and kill any wolf or wolves within this state, (prairie wolves excepted,) and within eight miles of any of the settlements thereof, shall receive the following bounty, to-wit: For each wolf supposed to be six months old and upwards, one dollar; and for each wolf under six months old, fifty cents, to be paid out of the *state* treasury on the certificate of the clerk of the circuit court in the county where such wolf was killed or taken, and the person claiming such reward, shall produce the scalp or scalps, with the ears, within thirty days after such wolf or wolves as has or have been killed, to the clerk of the circuit court in the county where

Such wolf was killed or taken, who shall administer to said person the following oath or affirmation, viz: "You, A. B., do solemnly swear or affirm, (as the case may be,) that the scalp or scalps produced by you, were taken from a wolf or wolves killed by you within this state, and within eight miles of some one of the settlements thereof, and within twenty days past; and that you believe such wolf or wolves from which they were taken, were under or over six months old, (as the case may be,) and that you have not spared the life of any wolf or wolves in your power to kill, with the design to increase the breed thereof:" *Provided*, That if the premium on wolf scalps exceeds the amount of the state revenue of any county, the excess shall be paid out of the county revenue.

Sec. 2. The clerk, before whom such oath or affirmation shall be taken, shall cause the ears on all such scalps to be destroyed in his presence, and shall give to the person making the same, a certificate specifying the number of scalps produced, and the sum to which such person is entitled, with his name and place of residence.

Sec. 3. The clerks of the proper counties shall be entitled to the sum of twelve and a half cents for making out each and every certificate as above provided for, to be paid by the person applying for such certificate.

Sec. 4. The boards doing county business in any of the counties in this state, may allow to the holder of any such certificate, an additional allowance not exceeding two dollars for a grown wolf, and one dollar for each under six months old, to be paid out of the county treasury out of any monies therein, not otherwise appropriated.

Sec. That if any dog shall kill or injure any sheep hereafter, the owner of any sheep so killed or injured shall be entitled to recover of the owner of the dog, the value of the sheep so killed or injured, unless the owner will kill his dog on the first offence; any law, usage or custom to the contrary notwithstanding.

Sec. 5. So much of any act or acts as comes within the perview of this act, be, and the same are hereby repealed.

This act to take effect, and be in force from and after its passage." and

The ayes and noes being called for by two members, on said motion to postpone,

Those who voted in the affirmative, are,

Messrs. Bence, Bentley, Brown, Casey, Coffin, Elliott, Fish

ley, Hall, Hillis, Hoover, Logan, Lowry, Lynd, M'Pheeters, Paddacks, Pitcher, Roe, Schoonover, Wallace of J., Work, Wright, Zenor and Howk, Speaker—22.

And those who voted in the negative are,

Messrs. Armstrong, Beard, Bell, Boon, Bussell, Claypool, Craig, Crume, Decker, Dumont, Ferris, Galletely, Gardner, Hamilton, Hendricks, Herod, Holman, Kinney, Lane, Levenworth, Long, M'Nary, Owens, Parks, Pollock, Read of D. and M., Reid of F., Reiley, Russell, Semans, Skeen, Smiley, Soper and Stewart—34

And so said motion was decided in the negative.

Mr. Gardner moved further to amend said bill, by striking out from the first section, the words "prairie wolves excepted;"

Which motion was decided in the negative.

Mr. Stewart moved further to amend 1st section of said bill, by striking out the word "state," and inserting in lieu thereof the word "county," so as to compel the party applying for a premium, to swear that the wolf was killed in the county where such application is made;

Which motion was carried in the affirmative.

Mr. Wallace of J. moved further to amend said bill so as to provide that the whole premium shall be paid out of the county treasury;" and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Bence, Bentley, Brown, Casey, Coffin, Crume, Dumont, Elliott, Ferris, Finley, Hillis, Hoover, Logan, Lowry, Lynd, McPheeters, Paddacks, Pollock, Reiley, Roe, Schoonover, Wallace of J., Work, Wright, Zenor and Howk, Speaker—27.

And those who voted in the negative, are,

Messrs. Beard, Bell, Boon, Bussell, Claypool, Decker, Galletely, Gardner, Hall, Hamilton, Hendricks, Herod, Holman, Kinney, Lane, Levenworth, Long, M'Nary, Owens, Parks, Pitcher, Read of D. and M., Reid of F., Russell, Semans, Skeen, Smiley, Soper, Stewart, Wallace of F., and Worth—31.

And so said motion was decided in the negative.

The said bill was then ordered to be engrossed and read a third time to-morrow.

The House resolved itself into a committee of the whole on the bill supplemental to the act providing means for the construc-

tion of the Wabash and Erie canal, and after sometime spent therein, the Speaker resumed the chair, and Mr. Soper reported the same with sundry amendments;

Which were read and concurred in.

Mr. M'Pheeters moved further to amend said bill, by adding thereto the following, as an additional section, to-wit:

"Sec. *And be it further enacted*, That there shall be no further sales made of the canal lands, until the year 1836, any law to the contrary notwithstanding;" and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Bence, Bentley, Coffin, Craig, Crume, Dowden, Hamilton, Herod, Hoover, Levenworth, Logan, Lowry, Lynd, M'Pheeters, Paddacks, Parks, Pitcher, Roe, Schoonover, Soper, Work, Wright and Zenor—23.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bell, Boon, Brown, Bussell, Casey, Claypool, Decker, Dumont, Elliott, Ferris, Finley, Galletely, Gardner, Hall, Hendricks, Hillis, Holman, Kinney, Lane, Long, M'Nary, Owens, Pollock, Read of D. and M., Reid of F., Reiley, Russell, Semans, Skeen, Smiley, Stewart, Wallace of F., Wallace of J., Worth and Howk, Speaker—37.

And so said motion was decided in the negative.

Mr. Bentley moved further to amend said bill, by inserting the following, after the 9th section, as an additional section, viz:

"Sec. *Be it further enacted*, That so much of an act providing for the construction of the Wabash and Erie canal as lies within the state of Indiana, approved January 28th, 1830, in the sixth section of said act, as authorises a further sale of the donation or canal lands, and so much of said act, in section six, as irrevocably pledges said canal lands, and the avails thereof, for the commencement, construction and completing of said canal, and so much of any of the aforesaid act as comes within this repealing clause, is hereby repealed;" and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Bence, Bentley, Coffin, Craig, Dowden, Hall, Hamilton, Herod, Hoover, Lane, Levenworth, Logan, Lynd, McPheeters, Paddacks, Parks, Pitcher, Roe, Schoonover, Smiley, Soper, Work, Wright and Zenor—24.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bell, Boon, Brown, Bussell, Casey, Claypool, Crume, Decker, Dumont, Elliott, Ferris, Finley, Galletely, Gardner, Hendricks, Hillis, Holman, Kinney, Long, McNary, Owens, Pollock, Read of D. and M., Reid of F., Reiley, Russell, Semans, Skeen, Stewart, Wallace of F., Wallace of J., Worth, and Hawk, Speaker—35.

And so said motion was decided in the negative.

Mr. Armstrong moved further to amend the bill, by adding the following proviso to the last section, viz:

“Provided, That nothing in this act or the act to which this is a supplement, shall be so construed, as to make the state of Indiana answerable, or in any way or manner, accountable, either by taxation or appropriation of any part of the revenue, which may have been raised, or shall hereafter be raised by taxation in virtue of any law of this state, to construct, or aid in the construction of the said Wabash and Erie canal, or any part thereof, except so far as the donation given by the United States, shall or may go, for the object for which it was given;” and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Bence, Bentley, Casey, Coffin, Craig, Dowden, Hall, Hamilton, Herod, Hoover, Lane, Levenworth, Logan, Lowry, Lynd, M'Pheeters, Paddacks, Parks, Pitcher, Roe, Schoonover, Smiley, Soper, Work, Wright, Zenor and Hawk, Speaker—28.

And those who voted in the negative, are,

Messrs. Beard, Bell, Boon, Brown, Bussell, Claypool, Crume, Decker, Dumont, Elliott, Ferris, Finley, Galletely, Gardner, Hendricks, Hillis, Holman, Kinney, Long, McNary, Owens, Pollock, Read of D. and M., Reid of F., Reiley, Russell, Semans, Skeen, Stewart, Wallace of F., Wallace of J., and Worth—32.

And so said motion was decided in the negative.

Mr. Soper moved further to amend the bill, by adding thereto following as an additional section, viz:

Sec. *And be it further enacted, That no tax shall hereafter be levied or collected on any person or property that shall be situated more than fifty miles from the line of said canal, for canal purposes, unless the person or persons so situated, and owning property more than fifty miles from the line of said canal as aforesaid, shall, by their representatives, consent there-*

unto; and for the protection of persons and property so situated, and in pursuance of the provision in this section contained, it is hereby expressly covenanted on behalf of the state of Indiana, that the same shall be, and forever remain inviolate."

Mr. Zenor moved to amend said amendment, by striking out the last clause thereof, from the word "thereunto;"

Before the question was put thereon, the previous question was called for by three members: when

The said previous question was put, viz:

"Shall the main question now be put?" and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Beard, Boon, Brown, Bussell, Claypool, Decker, Dumont, Elliott, Finley, Galletely, Gardner, Hall, Hendricks, Hillis, Holman, Hoover, Kinney, Long, M'Nary, Owens, Pollock, Reid of F., Reiley, Russell, Semans, Skeen, Wallace of F., Wallace of J. and Worth—29.

And those who voted in the negative, are,

Messrs. Bell, Bence, Bentley, Casey, Coffin, Craig, Crume, Dowden, Ferris, Hamilton, Herod, Lane, Levenworth, Logan, Lowry, Lynd, M'Pheeters, Paddacks, Parks, Pitcher, Read of D. and M., Roe, Schoonover, Smiley, Soper, Stewart, Work, Wright, Zenor and Howk, Speaker—30.

And so said previous question was decided in the negative.

A message was received from the Governor by Mr. Heylin his private secretary, notifying—

That he did, on this day, approve and sign the following acts, to-wit:

An act defining the duties of Recorders.

An act for the relief of John Smith and others.

An act for the relief of Alpha Frisbie.

An act to locate a state road from Connersville in Fayette county, to Louisville in Henry county.

An act to authorise the circuit court of the county of Posey to change the venue in a certain case therein named.

An act authorising domestic attachments and regulating proceedings thereon.—Also

A joint resolution to improve the navigation of the Wabash and White rivers.

And then the House adjourned until to-morrow morning nine o'clock:

THURSDAY MORNING, JANUARY 20, 1831.

The House met pursuant to adjournment,

Mr. Elliott from the joint committee on enrolled bills, reported,

That they did, on yesterday, present to the Governor for his approval and signature, the following enrolled bills entitled acts, to wit:

An act to provide for the appointment of circuit prosecutors and defining their duties.

An act concerning clerks.

An act relative to foreign attachments.

An act regulating the action of replevin.

An act to provide for opening a part and re-locating a part of the Mauk's ferry state road.

An act to provide for a state road from Merom, in Sullivan county, to some point on the Terre-Haute and Bono state road, and for other purposes.

Mr. Galletely from the select committee to which was re-committed the engrossed bill from the Senate to provide for the re-location of the state road from Bono to Terre-Haute; reported the same with sundry amendments;

Which were read and concurred in.

Ordered, That said amendments be engrossed, and the bill read a third time to-morrow.

Mr. Worth from the select committee to which was referred the petition of John Denny and others, reported a bill relocating part of the Greensburgh and Clinton state road;

Which was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time to-morrow.

Mr. Dumont from the select committee to which was committed the bill to provide for the building of a state house, reported the same with one amendment.

Mr. Owen moved to amend said amendment by striking out therefrom the words "\$25,000," and inserting in lieu thereof the words 35,000, (it being the maximum cost of said state road.)

Mr. Russell proposed "50,000."

A division of the question being called for,

It was put on striking out,

And carried in the affirmative;

And the question being put on filling the blank as proposed by Mr. Russell;

It was decided in the negative.

Mr. Dumont then moved to fill the blank with \$48,000.

"45,000," and "40,000" were also severally proposed, when

The question being put on the motion of Mr. Dumont.

It was passed in the affirmative.

On motion of Mr. Dumont said amendment was further amended by striking out the words "seventy-five," and inserting in lieu thereof the words "one hundred" (being the number of persons which the gallery of the Senate chamber shall contain.)

The said amendment reported by the committee as amended, was then concurred in.

Ordered, That said bill be engrossed and read a third time to-morrow.

Mr. Bussell moved the following resolution:

Resolved, That a select committee be appointed to enquire into the expediency of trying all persons who may hereafter be considered vagrants, by a jury before any justice of the peace of the proper county where such person may be arrested; and in place of committing to jail, dispose of such vagrant in the same manner as the circuit court has heretofore been authorized; and report by bill or otherwise.

And on the question of its adoption,

It was decided in the negative.

The House proceeded to consider the following:

Message received from the Senate yesterday by Mr. Morris their assistant secretary:

Mr. Speaker,

The Senate concur in the amendment proposed by the House to the amendment made by the Senate to the engrossed bill of the House entitled, an act to establish a state road from Richmond in Wayne county, to Fort Wayne, in Allen county.

They have passed an engrossed bill of the House of Representatives, entitled,

An act to raise additional revenue for the county of Ripley, without amendment; and a preamble and joint resolution of the General Assembly, originating in the Senate, in which the concurrence of the House of Representatives is requested.

The joint resolution of the Senate named in said message,

Was read the first and second times, (the rules of the House having first been dispensed with) and ordered to be read a third time to-morrow.

A message was received from the Governor by Mr. Heylin, his private secretary, notifying that he did on this day approve, and sign the following acts, to-wit:

An act relative to foreign attachments;

An act regulating the action of replevin;

An act to provide for opening a part and re-locating a part of the Mauk's ferry state road;

An act to provide for the appointment of circuit prosecutor, and defining his duties.

And then the House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

A message from the Senate, by Mr. Morris their assistant Secretary:

Mr. Speaker—

The Senate have passed a bill regulating the jurisdiction and duties of justices of the peace, in which the concurrence of the House of Representatives is requested.

The bill named in said message, was read the first and second times (the rules of the House having first been dispensed with) and committed to a committee of the whole House for to-morrow.

On motion of Mr. Ferris,

The bill regulating county boundaries, heretofore laid on the table, was taken up and considered.

Ordered, That said bill be engrossed and read a third time to-morrow.

On motion of Mr. Crume,

The bill to authorise the vacation of towns, laid on the table on the 17th instant, was taken up, when Mr. Crume moved to amend said bill in the first section thereof, so as to authorise the board doing county business, when application is made to vacate any street, alley, &c. in any town, and objected to, to continue the said application to their next meeting, and then, if in their opinion justice require it, to cause such vacation to be made in whole or in part as they may deem reasonable, if the person previously objecting, should consent thereto; and if he should not so consent, then, upon the person applying for said vacation, producing to said board, a petition to that effect, signed by at least two thirds of the property holders in said town:

Which motion was carried in the affirmative.

The said bill was then ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Ferris,

The engrossed joint resolution from the Senate respecting the printing of a certain act therein named, heretofore laid on the table, was taken up, amended by unanimous consent, and passed.

Ordered, That the clerk inform the Senate thereof and ask their concurrence in the amendments.

A message from the Senate by Mr. Morris, their assistant secretary:

Mr. Speaker—

The Senate have concurred in the several amendments proposed by the House of Representatives to the engrossed bill of the Senate, entitled,

An act regulating the practice in suits at law.

They have passed a bill of the House of Representatives, entitled,

An act to establish and re-locate a part of the Madison state road, and a joint resolution and memorial of the House of Representatives, for the relief of John Kimberlin, the first without, the last with amendments, in which the concurrence of the House of Representatives is requested.

the amendments proposed by the Senate to the joint resolution of the House named in said message,

Were severally read and agreed to.

Ordered, That the clerk inform the Senate.

The following message was received from the Senate by Mr. Morris their assistant secretary:

Mr. Speaker,

The Senate have passed an engrossed bill of the House of Representatives, entitled,

An act relative to the borough of Vincennes, with amendments: also,

An engrossed bill of the Senate, entitled,

An act for the appointment of Senators and Representatives in the General Assembly of this state; in which bill and the amendments to the preceding, the concurrence of the House of Representatives is requested.

The amendments proposed by the Senate to the engrossed bill of the House, named in said message,

Were read and agreed to.

Ordered, That the clerk inform the Senate.

The engrossed bill from the Senate therein named,

Was read the first and second times, (the rules of the House having first been dispensed with;) which said bill is in the words following, to-wit:

"Sec. 1. Be it enacted by the General Assembly of the state of Indiana, That for the purpose of electing Senators to the General Assembly of this state, for the ensuing five years, the state shall be, and is hereby divided into the following districts, each of which shall be entitled to one senator, viz:

Posey, Vanderburgh and Warrick,	one,
Gibson, Pike and Dubois,	one,
Spencer, Perry and Crawford,	one,
Knox, Daviess and Martin,	one,
Harrison,	one,
Washington,	one,
Monroe, Green and Owen,	one,
Morgan, Hendricks and Boon,	one,
Tippecanoe, Carroll and Cass,	one,
Montgomery and Clinton,	one,
Orange and Lawrence,	one,
Vermillion and Warron,	one,
Randolph, Delaware, Allen, Elkhart and St. Joseph,	one,
Henry, Madison, and Hancock,	one,
Marion, Hamilton, and all the country north of Hamilton, to the Great Miami reservation,	one,
Fountain,	one,
Johnson and Bartholomew,	one,
Jennings, Jackson and Scott,	one,
Clark and Floyd,	one,
Jefferson,	one,
Switzerland and Ripley,	one,
Shelby and Decatur,	one,
Dearborn,	one,
Franklin,	one,
Fayette and Union,	one,
Wayne,	one,
Rush,	one,
Putnam,	one,
Sullivan, Vigo and Clay,	one,
Parke,	one,

Sec. 2. That in electing Representatives to the General Assembly of this state for the ensuing five years, the several counties shall be entitled to elect as follows:

The county of Wayne, four representatives; Dearborn, three; Washington, Lawrence, Orange, Jefferson, Rush, Har-

rison, Putnam, Fountain, Tippecanoe, Franklin, Fayette, Union and Clark, two respectively.

Posey, Gibson, Crawford, Green, Owen, Monroe, Sullivan, Warren, Switzerland, Ripley, Jennings, Scott, Floyd, Clay, Johnson, Morgan, Hendricks, Shelby, Decatur, Henry, Marion, Randolph, Bartholomew, Vigo and Jackson, one respectively.

Vanderburgh and Warrick,	one,
Perry and Spencer,	one,
Pike and Dubois,	one,

Knox one, Daviess and Martin one, and one additional representative to be elected alternately by said districts, commencing with the county of Knox.

Montgomery and Clinton, two; Carroll and Cass, one; Hamilton and Boon and all the country north of the Great Miami reservation, one; Madison and Hancock, one; Allen, Elkhart and St. Joseph, one; Vermillion, one; Parke, one; with one additional representative for the said two counties to be elected each year alternately, commencing with the county of Vermillion.

Delaware and all the territory attached thereto, one:

The counties of Clark and Floyd shall be entitled to one additional representative to be elected each year alternately, commencing with the county of Floyd.

Mr. Long moved to amend the same by striking it out from the word "districts" in the first clause of the first section, and inserting in lieu thereof the following:

"The county of Wayne, one; the counties of Union and Fayette, one; the counties of Marion and Hamilton, one; the counties of Madison, Hancock and Henry, one; the counties of Randolph, Delaware, Allen, Elkhart and St. Joseph, one; the counties of Franklin, Harrison, Jefferson, Dearborn, Washington, Rush and Putnam, one district each; the counties of Posey, Vanderburgh and Warrick, one; the counties of Switzerland and Ripley one; the counties of Shelby and Decatur one; the counties of Jackson, Jennings and Scott one; the counties of Bartholomew and Johnson one; the counties of Floyd and Clark one; the counties of Monroe, Owen and Green one; the counties of Morgan, Hendricks and Boon one; the counties of Gibson, Pike and Dubois, one; the counties of Crawford, Perry and Spencer one; the counties of Orange and Lawrence one; the counties of Knox, Daviess and Martin one; the counties of Vigo, Sullivan and Clay one; the counties of Parke and Vermillion one; the counties of Fountain and Warren one; the counties of Montgomery and Clinton one; the counties of Tip-

pecanoe, Carroll and Cass one; and each of said districts shall be entitled to one Senator.

Sec. 2. That for the purpose of electing representatives to the General Assembly for the ensuing five years, the state shall be divided as follows, to-wit:

The counties of Wayne and Dearborn shall each be entitled to four representatives; Jefferson, Harrison, Franklin, Fayette, Union, Parke, Putnam, Rush, Knox, Vermillion, Switzerland and Fountain, two representatives each. The counties of Orange and Lawrence to have three representatives, two to be elected from Lawrence, and one from Orange alternately every year; the counties of Marion, Henry, Posey, Ripley, Decatur, Shelby, Scott, Jennings, Jackson, Bartholomew, Johnson, Monroe, Owen, Green, Morgan, Gibson, Crawford, Sullivan, Daviess, Hendricks and Martin, one representative each; the counties of Hamilton and Boon, one representative; Madison and Hancock one; Vanderburgh and Warrick, one; Pike and Dubois one; Spencer and Perry one; the county of Tippecanoe two; the counties of Carroll and Cass, one representative; Allen, St. Joseph, and Elkhart, one representative; and the county of Warren, one representative; the county of Washington, three representatives; and the county of Delaware and territory attached, one; Randolph one; the counties of Montgomery and Clinton, two representatives; the county of Clark, two; the county of Floyd, one; and one alternately between Clark and Floyd, beginning with Floyd county. The counties of Vigo and Clay two representatives, to be elected as follows: one in each county the first year, and the second year by the two counties jointly, and in the same manner alternately."

Mr. Parks moved to amend the proposed amendment so as to give to Lawrence and Orange counties, two representatives each; and

The ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Bence, Bentley, Casey, Coffin, Dumont, Ferris, Galletely, Hall, Hamilton, Kinney, Lane, Levenworth, Logan, Lynd, McPheeters, Owens, Paddacks, Parks, Pitcher, Read of D. and M., Schoonover, Soper, Stewart, Work, Worth, and Hawk, Speaker—26.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bell, Boon, Brown, Bussell, Claypool, Craig, Crume, Decker, Dowden, Elliott, Finley, Gardner, Hendricks, Herod, Hillis, Holman, Hoover, Long, Lowry,

McNary, Pollock, Reid of F., Reiley, Roe, Russell, Semans, Skeen, Smiley, Wallace of F., Wallace of J., Wright, and Zenor—34.

And so said motion was decided in the negative.

Mr. Lane moved to amend said amendment, so as to allow Posey, Vanderburgh and Warrick, one additional representative to be elected by said counties alternately, beginning with Vanderburgh and Warrick;

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Bentley, Casey, Coffin, Dumont, Galletely, Hall, Hamilton, Lane, Levenworth, Lynd, Owens, Paddacks, Parks, Pitcher, Read of D. and M., Reiley, Soper, Stewart, Work and Howk, Speaker—20.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bell, Bence, Boon, Brown, Bussell, Claypool, Craig, Crume, Decker, Dowden, Elliott, Ferris, Finley, Gardner, Hendricks, Herod, Hillis, Holman, Hoover, Kinney, Logan, Long, Lowry, McNary, McPheeters, Pollock, Reid of F., Roe, Russell, Schoonover, Semans, Skeen, Smiley, Wallace of F., Wallace of J., Worth, Wright and Zenor—40.

And so said motion was decided in the negative.

Mr. Galletely moved to amend said amendment, so as to provide that the counties of Monroe, Owen and Green, shall be entitled to one additional representative alternately, beginning at Monroe; and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Bentley, Boon, Casey Coffin, Dumont, Galletely, Hall, Hamilton, Kinney, Lane, Levenworth, Lowry, Lynd, Owens, Paddacks, Parks, Pitcher, Read of D. and M., Reily, Soper, Stewart, and Howk, Speaker—22.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bell, Bence, Brown, Bussell, Claypool, Craig, Crume, Decker, Dowden, Elliott, Ferris, Finley, Gardner, Hendricks, Herod, Hillis, Holman, Hoover, Logan, Long, McNary, McPheeters, Pollock, Reid of F., Roe, Russell, Schoonover, Semans, Skeen, Smiley, Wallace of F., Wallace of J., Work, Worth, Wright and Zenor—38.

And so said motion was decided in the negative.

Mr. Russell moved to amend said amendment so as to give to Marion county an additional representative, and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Bentley, Casey, Ferris, Galletely, Lane, Lowry, Lynd, Owens, Paddacks, Parks, Pitcher, Read of D. and M., Reiley, Russell, Stewart, Wallace of J., and Howk, Speaker—17.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bell, Bence, Boon, Brown, Bussell, Claypool, Coffin, Craig, Crume, Decker, Dowden, Elliott, Finley, Gardner, Hall, Hamilton, Hendricks, Herod, Hillis, Holman, Hoover, Kinney, Levenworth, Logan, Long, M'Nary, M'Pheeters, Pollock, Reid of F., Roe, Schoonover, Semans, Skeen, Smiley, Soper, Wallace of F., Work, Worth, Wright and Zenor—42.

And so said motion was decided in the negative.

Mr. Roe moved to refer said bill to a select committee with instructions to amend it so as not to allow more than twenty-six senators and sixty-five representatives;

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Bence, Bentley, Boon, Casey, Coffin, Crume, Galletely, Hall, Hamilton, Hendricks, Lane, Levenworth, Lynd, Owens, Paddacks, Parks, Pitcher, Read of D. and M., Roe, Work, Zenor and Howk, Speaker—22.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bell, Brown, Bussell, Claypool, Craig, Decker, Dowden, Dumont, Elliott, Ferris, Finley, Gardner, Herod, Hillis, Holman, Hoover, Kinney, Logan, Long, Lowry, M'Nary, M'Pheeters, Pollock, Reid of F., Reiley, Russell, Schoonover, Semans, Skeen, Smiley, Soper, Stewart, Wallace of F., Wallace of J., Worth and Wright—38.

And so said motion was decided in the negative.

A motion was then made by Mr. Galletely to lay said bill on the table.

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Beard, Bentley, Casey, Coffin, Galletely, Hall, Hamilton, Holman, Lane, Levenworth, Lynd, Owens, Paddacks, Parks, Pitcher, Read of D. and M., Roe, Zenor and Howk, Speaker—19.

And those who voted in the negative, are,

Messrs. Armstrong, Bell, Bence, Boon, Brown, Bussell, Claypool, Craig, Crume, Decker, Dowden, Dumont, Elliott, Ferris, Finley, Gardner, Hendricks, Herod, Hillis, Hoover, Kinney, Logan, Long, Lowry, McNary, McPheeters, Pollock, Reid of F., Reiley, Russell, Schoonover, Semans, Skeen, Smiley, Soper, Stewart, Wallace of F., Wallace of J., Work, Worth and Wright—41.

And so said motion was decided in the negative.

Mr. Owens then moved to re-commit said bill to a select committee with instructions to amend it so that there shall not be more than 28 senators, nor more than 70 representatives;

And the ayes and noes being demanded by two members,

Those who voted in the affirmative, are,

Messrs. Bence, Bentley, Casey, Coffin, Crume, Galletely, Hall, Hamilton, Hendricks, Lane, Levenworth, Lynd, Owens, Parks, Pitcher, Read of D. and M., Roe, Stewart, Zenor and Howk, Speaker—20.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bell, Boon, Brown, Bussell, Claypool, Craig, Decker, Dowden, Dumont, Elliott, Ferris, Finley, Gardner, Herod, Hillis, Holman, Hoover, Kinney, Logan, Long, Lowry, M'Nary, M'Pheeters, Paddacks, Pollock, Reid of F., Reiley, Russell, Schoonover, Semans, Skeen, Smiley, Soper, Wallace of F., Wallace of J., Work, Worth and Wright—40.

And so said motion was decided in the negative.

Mr. Parks moved to amend the said amendment, so as to give to Lawrence county, two representatives, and Orange one.

Which motion was decided in the negative.

Mr. Bentley moved to amend said amendment so as to provide that Dearborn county, have three representatives instead of four;

Which motion was decided in the negative.

A motion was then made by Mr. Bentley, so to amend said amendment as to allow Washington county, but two representatives;

Which was decided in the negative.

Mr. Casey moved to amend said amendment, so as to provide that Franklin county shall have one representative instead of two;

Which motion was decided in the negative.

Mr. Russell moved to amend the proposed amendment so as to *Provide*, That the counties of Marion, Hamilton, and Boon, be entitled to one additional member, to be elected two years from Marion, and one from Hamilton and Boon, commencing at Marion, and so on alternately;

Which motion was decided in the negative.

The question then recurring on the amendment moved by Mr. Long, and

The ayes and noes being asked for by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Bell, Bence, Boon, Brown, Bussell, Craig, Crume, Decker, Dowden, Dumont, Elliott, Ferris, Finley, Gardner, Herod, Hillis, Holman, Hoover, Kinney, Logan, Long, McNary, M'Pheeters, Pollock, Read of D. and M., Reid of F., Reiley, Russell, Schoonover, Semans, Skeen, Smiley, Soper, Wallace of F., Wallace of J., Work, and Wright—38.

And those who voted in the negative, are,

Messrs. Beard, Bentley, Casey, Claypool, Coffin, Galletely, Hall, Hamilton, Hendricks, Lane, Levenworth, Lowry, Lynd, Owens, Paddacks, Parks, Pitcher, Roe, Stewart, Worth, Zenor and Howk, Speaker—22.

And so said motion was carried in the affirmative.

Mr. Hillis then moved that the rules of the House be dispensed with; that the amendment be considered as engrossed, and the bill read a third time now; and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Beard, Bell, Bence, Boon, Brown, Bussell, Craig, Decker, Dowden, Dumont, Elliott, Ferris, Finley, Gardner, Hall, Herod, Hillis, Holman, Hoover, Kinney, Levenworth, Logan, Long, Lowry, M'Nary, McPheeters, Pollock, Read of D. and M., Reid of F., Reiley, Russell, Schoonover, Semans, Skeen, Smiley, Soper, Wallace of F., Wallace of J., Work, Worth and Wright—42.

And those who voted in the negative, are,

Messrs. Bentley, Casey, Claypool, Coffin, Crume, Galletely,

Hamilton, Hendricks, Lane, Lynd, Owens, Paddacks, Parks, Pitcher, Roe, Stewart, Zenor, and Howk, Speaker—18.

And so said motion was carried in the affirmative.

The said bill was then read the third time, and

The question being put,

Shall the bill pass? and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Beard, Bell, Bence, Boon, Brown, Bussell, Craig, Crume, Decker, Dowden, Dumont, Elliott, Ferris, Finley, Gardner, Hall, Herod, Hillis, Holman, Hoover, Kinney, Leven-worth, Logan, Long, Lowry, M'Nary, M'Pheeters, Pollock, Read of D. and M., Reid of F., Reiley, Russell, Schoonover, Semans, Skeen, Smiley, Soper, Wallace of F., Wallace of J., Work, Worth, and Wright—43.

And those who voted in the negative are,

Messrs. Bentley, Casey, Claypool, Coffin, Galletely, Hamilton, Hendricks, Lane, Lynd, Owens, Paddacks, Parks, Pitcher, Roe, Stewart, Zenor and Howk, Speaker—17.

And so said bill passed.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence in the amendment.

And then the House adjourned until to-morrow morning nine o'clock.

FRIDAY MORNING, JANUARY 21, 1831.

The House met pursuant to adjournment.

Mr. Worth from the joint committee on enrolled bills, reported,

That they had compared the enrolled with the engrossed bills entitled as follows:

An act to republish and continue in force the several acts and joint resolutions relative to the permanent seat of government, and the affairs of the town of Indianapolis.

An act organizing circuit courts and defining their powers and duties.

An act providing for the construction of a bridge over Mill creek in Owen county.

An act to establish and re-locate a part of the Madison state road.

An act to raise additional revenue for the county of Ripley.

An act to establish a state road from Richmond in Wayne county, to Fort Wayne in Allen county.

An act for the prevention of frauds and perjuries.

An act to incorporate the Lawrenceburgh bridge company; And found the same truly enrolled; when

The Speaker signed said bills.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

Mr. Logan presented a petition of William H. Carter and others, praying that the route of the proposed turnpike road from New Albany to Vincennes, may be so changed as to pass through Fredericksburgh;

Which was read and referred to a select committee of Messrs. Logan, Schoonover, Bence, Coffin and Reiley.

Mr. Bussell presented a petition of Samuel Dillon and others, praying an appropriation of money from the 3 per cent. fund, to aid in building a bridge across Big Flat Rock, at Moscow, on the state road leading from Middletown to the Brookville state road;

Which was read and laid on the table.

Mr. Holman presented a petition of Wm. Maccartney, praying an act to authorise him to build a wing mill dam on the river St. Joseph;

Which was read and referred to the committee on the judiciary.

Mr. Holman presented a petition of sundry citizens of Saint Joseph county, praying that certain acts of the board of justices of said county may be legalized;

Which was read and referred to the committee on the judiciary.

Mr. Hillis made the following report:

The committee on elections, to whom were referred the certificates of the several members of this House, have had the same under their consideration, and have directed me to report, that the following members have been duly elected, and are entitled to their seats, to-wit:

From the county of Wayne—John Finley, Henry Hoover, William Elliott and Eli Wright.

Dearborn—Ezra Ferris, James T. Pollock, Samuel H. Dowden and Walter Armstrong.

Vanderburgh and Warrick—Joseph Lane.

Union—Thomas Brown.

Clark—Isaac Howk, Joseph Work and John E. Roe.

Washington—Ezekiel D. Logan, Rodolphus Schoonover and Hugh McPheeters.

Harrison—Joseph Paddacks, Geo. Bentley and John Zenor.

Franklin—David Wallace and John Reid.

Switzerland—John Dumont and George Craig.

Jefferson—David Hillis and James H. Wallace.

Orange—Thomas Coffin and James Lynd.

Knox—John C. Reiley and John Decker.

Fayette—Marks Crume and Daniel Hankins.

Rush—William S. Bussell.

Decatur—Thomas Hendricks.

Ripley—William Skeen.

Jennings—Henry L. Soper.

Marion—Alexander W. Russell.

Jackson—James Hamilton.

Scott—Alexander Lowry.

Floyd—Jacob Bence.

Crawford—Zebulon Levenworth.

Lawrence—Pleasant Parks.

Monroe—John Owens.

Gibson—Samuel Hall.

Posey—William Casey.

Sullivan—George Boon.

Vigo—Amory Kinney.

Perry and Spencer—John Pitcher.

Pike and Dubois—Thomas C. Stewart.

Daviess and Martin—James G. Read.

Green and Owen—James Galletely.

Putnam and Clay—John McNary.

Parke and Vermillion—John Gardner.

Montgomery, Fountain, Tippecanoe, &c.—John Beard and Abel Claypool.

Hamilton, Madison, Henry, &c.—Elisha Long and Tho. Bell.

Allen, Cass, &c.—Joseph Holman.

Morgan, Hendricks, &c.—Alexander Worth.

Shelby and Johnson—John Smiley.

Randolph and Delaware—David Semans.

Bartholomew—William Herod.

Mr. Boon from the committee on claims to which was referred the petition of Amos Hanaway, reported, that they have

Had the same under consideration, and are of opinion that the prayer of the petitioner is unreasonable and ought not to be granted;

Which report was read and concurred in.

Mr. Pollock from the committee on roads to which was re-committed the bill providing for the opening of that part of the Michigan road which lies between Logansport in Cass county and the county seat of Saint Joseph county, at or near the southern bend of the Saint Joseph river, reported the same with two amendments;

Which were read and agreed to by the House.

The said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Craig from the select committee to which was committed the bill for a log rail-way on the Michigan road, reported the same with one amendment;

Which was read and concurred in.

Mr. Soper moved to re-commit said bill to a committee of the whole House for to-morrow; and

Before the question was put,

A motion was made by Mr. Boon to postpone the further consideration thereof indefinitely;

Which was decided in the negative.

The question then being put on the motion of Mr. Soper to re-commit,

It was decided in the negative.

On motion of Mr. Ferris,

The said bill was so amended as that the contract commissioner shall be authorised to construct a rail-way upon two miles only of the road, instead of ten.

The question then being put,

"Shall the bill be engrossed and read a third time to-morrow?" and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Bell, Bence, Brown, Coffin, Craig, Decker, Dumont, Ferris, Galletely, Gardner, Hall, Herod, Hillis, Holman, Kinney, Levenworth, Lowry, Lynd, M'Nary, Padacks, Read of D. and M., Reid of F., Russell, Smiley, Wallace of J., Work, Wright, Zenor and Hawk, Speaker—30.

And those who voted in the negative, are,

Messrs. Beard, Bentley, Boon, Bussell, Casey, Claypool.

Crume, Dowden, Elliott, Hamilton, Hendricks, Lane, Logan, McPheeters, Parks, Pitcher, Pollock, Reiley, Roe, Schoonover, Semans, Skeen, Soper and Worth—24.

And so said bill was ordered to be engrossed and read a third time to-morrow.

Mr. Bell from the select committee to which was referred the petition of John Busby and others, reported a bill to legalize the sale of the school lands in Madison county;

Which was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time to-morrow.

Mr. Craig from the select committee to which were recommit-
ted the bill to encourage the manufacture of salt in the state of
Indiana, and the bill to encourage the manufacture of salt in the
county of Switzerland, reported the same without amendment;
and

On motion of Mr. Owens,

The further consideration of said bill was postponed until
the first Monday in August next.

Mr. Ferris, after having obtained leave, presented a bill to
continue in force, "An act for the benefit of persons who have
or are likely to suffer by the destruction of the records of Dear-
born county, which were consumed by fire, at Lawrenceburgh,
on Monday the 6th March, 1826"—approved Jan. 11, 1827;

Which was twice read (the rules of the House having first
been dispensed with) and ordered to be engrossed and read a
third time to-morrow.

The House then proceeded to consider the orders of the day;
And resumed the consideration of the bill supplemental to an
act providing means for the construction of the Wabash and E-
rie canal, which was postponed on the 19th instant, by the de-
cision of the house upon the previous question; and

The question being put upon the motion of Mr. Zenor to a-
mend the amendment proposed by Mr. Soper to said bill, de-
pending when the bill was last under consideration;

It was decided in the negative.

The question then recurring on the said amendment mov-
ed by Mr. Soper; and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Bence, Bentley, Casey, Coffin, Craig, Hamilton,
Herod, Hoover, Lane, Levenworth, Logan, Lowry, Lynd,

M'Pheeters, Paddacks, Parks, Pitcher, Roe, Schoonover, Smiley, Soper, Wright and Zenor—23.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bell, Boon, Brown, Bussell, Claypool, Crume, Decker, Dowden, Dumont, Elliott, Ferris, Finley, Galletely, Gardner, Hall, Hendricks, Hillis, Holman, Kinney, Long, M'Nary, Owens, Pollock, Read of D. and M., Reid of F., Reiley, Russell, Semans, Skeen, Wallace of F., Wallace of J., Work, Worth and Hawk, Speaker—36.

And so said motion was decided in the negative.

Mr. Bentley moved further to amend said bill by striking out therefrom, the fifth section, which is in these words, viz:

Sec. 5. That every person actually engaged in laboring on any part of the said canal, shall be exempt from doing militia or road duty, during the time he is so engaged, except in case of invasion or insurrection; and the certificate of the contractors employing such men, shall be *prima facie* evidence of such engagement; and no anting commissioner, or engineer employed on said canal shall be liable to be taken by *capias* or warrant in any civil suit arising out of their official duties, but they shall be subject to a summons; and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Bence, Bentley, Casey, Coffin, Craig Cruine, Dowden, Hamilton, Hendricks, Herod, Lane, Levenworth, Logan, Lynd, McPheeters, Paddacks, Parks, Pitcher, Roe, Schoonover, Smiley, Soper, Work, Wright, Zenor and Hawk, Speaker—27.

And those who voted in the negative, are,

Messrs. Beard, Bell, Boon, Brown, Bussell, Claypool, Decker, Dumont, Elliott, Ferris, Finley, Galletely, Gardner, Hall, Hillis, Holman, Hoover, Kinney, Long, Lowry, McNary, Owens, Pollock, Read of D. and M., Reid of F., Reiley, Russell, Semans, Skeen, Wallace of F., Wallace of J. and Worth—32.

And so said motion was decided in the negative.

Mr. Crume moved further to amend the bill by adding the following proviso to the 11th section, viz:

“Provided, That the future sales of said canal lands shall be restricted to the lands adjacent the middle division of the canal, and

The ayes and noes being required thereon by two members

Those who voted in the affirmative, are,

Messrs. Bence, Bentley, Casey, Coffin, Craig, Crume, Dowden, Hamilton, Herod, Hoover, Lane, Levenworth, Logan, Lynd, M'Pheeters, Paddacks, Parks, Pitcher, Roe, Schoonover, Soper, Stewart, Work, Wright and Zenor—25.

And those who voted in the negative, are,

Messrs. Beard, Bell, Boon, Brown, Bussell, Claypool, Decker, Dumont, Elliott, Ferris, Finley, Galletely, Gardner, Hall, Hendricks, Hillis, Holman, Kinney, Long, Lowry, M'Nary, Owens, Pollock, Read of D. and M., Reid of F., Reiley, Russell, Semans, Skeen, Smiley, Wallace of F., Wallace of J., Worth and Howk, Speaker—34.

And so said motion was decided in the negative.

The question then being put, "Shall the bill be engrossed and read a third time to-morrow?" and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Beard, Bell, Boon, Brown, Bussell, Casey, Claypool, Decker, Dumont, Elliott, Ferris, Finley, Galletely, Gardner, Hall, Hendricks, Hillis, Holman, Kinney, Lane, Long, M'Nary, Owens, Pollock, Read of D. and M., Reid of F., Reiley, Russell, Semans, Skeen, Stewart, Wallace of F., Wallace of J. and Worth—35.

And those who voted in the negative, are,

Messrs. Bence, Bentley, Coffin, Craig, Crume, Dowden, Hamilton, Herod, Hoover, Levenworth, Logan, Lowry, Lynd, M'Pheeters, Paddacks, Parks, Pitcher, Roe, Schoonover, Smiley, Soper, Work, Wright, Zenor and Howk, Speaker—25.

And so it was

Ordered, That said bill be engrossed and read a third time to-morrow.

The joint resolution on the subject of converting the Governor's house into a state house,

Was read the second time and laid on the table.

The bill to repeal an act therein named, was read the second time and ordered to be engrossed and read a third time to-morrow.

The joint resolution relative to Thomas Mead and others (revolutionary soldiers,) was read the second time.

On motion of Mr. Zenor,

It was so amended as to extend its provisions to John Welton.

A motion was made by Mr. Ferris to commit said joint resolution to a committee of the whole house for to-morrow;

Which motion was decided in the negative.

Mr. Boon moved further to amend the same, by inserting therein the name of Handy Hanley; and

Before the question was put,

On motion of Mr. Casey,

It was ordered that said joint resolution and proposed amendment be laid on the table.

The engrossed bill supplemental to the act entitled "an act to encourage the killing of wolves," approved January 27, 1827,

Was read the third time, when

Mr. Gardner moved to re-commit it to a select committee with instructions so to amend it as to extend its provisions to prairie wolves;

Which motion was decided in the negative.

The question being then put, "Shall the bill pass?" and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Beard, Bell, Boon, Bussell, Claypool, Coffin, Craig, Decker, Dowden, Dumont, Ferris, Galletely, Gardner, Hall, Hamilton, Hendricks, Herod, Holman, Kinney, Lane, Long, McNary, Owens, Parks, Read of D. and M., Reid of F., Reiley, Russell, Semans, Smiley, Soper and Worth—32.

And those who voted in the negative, are,

Messrs. Bence, Bentley, Brown, Casey, Crume, Elliott, Finley, Hillis, Hoover, Levenworth, Logan, Lowry, Lynd, McPheeters, Paddacks, Pitcher, Roe, Schoonover, Skeen, Wallace of F., Wallace of J., Work, Wright, Zenor and Howk; Speaker—25.

And so said bill passed; and then

The title thereof was so amended as to read,

"A bill to encourage the killing of wolves."

Ordered, That the said bill be entitled an act, and that the clerk inform the Senate of its passage and ask their concurrence.

Engrossed bills and a joint resolution of the following titles to-wit:

A joint resolution of the state of Indiana.

The bill authorising David Williams to erect a mill dam across the west for of White river; and

The bill to locate a state road from Miamiesport, in the county of Cass to intersect the Michigan road, in a direction to the southern bend of the big St. Joseph river, where the said road crosses the Tippecanoe river;

Were severally read the third time and passed.

Ordered, That said bills entitled acts, and that the clerk carry them, together with the said joint resolution to the Senate and ask their concurrence.

The engrossed bill from the Senate to regulate the mode of summoning and empannelling grand and petit jurors,

Was read the third time and passed.

Ordered, That the clerk inform the Senate thereof and ask their concurrence in the amendments.

On motion of Mr. McNary,

The orders of the day were for the present postponed, and the bill for the appropriation of money to aid in building a bridge over the big fork of Walnut, and to improve the navigation of Eel river, heretofore laid on the table, was taken up, and recommitted to a select committee of Messrs. McNary, Boon, and Galletely.

The House resumed the consideration of the orders of the day:

The engrossed joint resolution for the relief of Robert Patterson, was read the third time, when

Mr. Boon moved to refer it to a select committee with instructions to amend it, by striking out that part which exempts said Patterson from the payment of interest; and

Before the question was put,

On motion of Mr. Russell, it was

Ordered, That said joint resolution do lie on the table.

And then the House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The engrossed bill of the House to perpetuate and confirm certain state roads therein named, and appropriations made thereto, was read the third time, was amended by unanimous consent and passed.

Ordered, That the same be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

The engrossed preamble and joint resolution of the General Assembly of the state of Indiana, from the Senate; and

The engrossed bill from the Senate, to provide for the re-location of the state road from Bono to Terre-Haute,

Were severally read the third time and passed.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence in the amendments to said bill.

Engrossed bills of the House of the following titles, to-wit:

The bill re-locating part of the Greensburgh and Clinton state road;

The bill authorising the vacation of towns; and

The bill relative to county boundaries,

Were severally read the third time and passed.

Ordered, That said bills be entitled acts and that the clerk carry them to the Senate and ask their concurrence.

The engrossed bill to provide for the commencement of a state house, was read the third time and amended by unanimous consent; and

On motion of Mr. Kinney,

Was re-committed to a select committee with instructions to amend it by striking out so much thereof as relates to a hall for the district court.

Ordered, That Messrs. Kinney, Russell and Ferris be that committee.

The House resolved itself into a committee of the whole on the bill to authorise the agent of the state for the town of Indianapolis, to lay off the lands belonging to the state into lots and offer the same for sale; and after some time spent therein, the speaker resumed the chair, and Mr. Wallace of F., reported the same with two amendments.

The first amendment was then read as follows, to-wit:

By inserting in the 4th section, the 1st clause of which reads in these words:

"Sec. 4. The agent shall offer for sale to the highest bidder, on the first Monday in May next, and from day to day thereafter until all are offered for sale, the several lots herein authorised to be laid out, except the lots marked for the use of the ferry," &c., after the words "laid out," the following: "Together with the squares or lots 86, 87, 88 and 89, as designated on the plat above mentioned; and also the lot called the Governor's circle with the building thereon: *Provided*, That when any crop is growing on any such square or lot, at the time of sale, the purchaser thereof shall be entitled to possession so soon as a

reasonable time transpires for the occupant under the state, to gather such crop at the usual season of gathering."

Mr. Ferris moved to amend said amendment, by striking out so much thereof as authorises the sale of the Governor's circle; And the ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Beard, Boon, Claypool, Crume, Decker, Dowden, Dumont, Ferris, Galletely, Herod, Hillis, Holman, Kinney, M'Nary, M'Pheeters, Read of D. and M., Reid of F., Skeen, Wallace of F., Wright and Hawk, Speaker—21.

And those who voted in the negative, are,

Messrs. Bell, Bence, Brown, Bussell, Casey, Coffin, Craig, Elliott, Finley, Gardner, Hall, Hamilton, Hendricks, Hoover, Levenworth, Logan, Long, Lowry, Lynd, Owens, Parks, Pitcher, Reiley, Roe, Russell, Schoonover, Semans, Smiley, Soper, Wallace of J., Work, Worth and Zenor—33.

And so said motion was decided in the negative.

Mr. Boon moved to amend said amendment by adding thereto these words: "*Provided That the Governor's circle shall not be sold unless it will bring \$6000;*"

Which passed in the affirmative.

Mr. Galletely moved further to amend said amendment by adding thereto the following: "And that no lot shall be sold for less than first cost;"

Which motion was decided in the negative.

The question then recurring on occurrence in the 1st amendment reported by the committee of the whole, as amended;

It passed in the affirmative.

The second amendment made by the committee of the whole, Was then read and concurred in; and then,

On motion of Mr. Herod,

Ordered, That said bill be laid on the table.

A message from the Senate by Mr. Morris, their assistant secretary:

Mr. Speaker—

The Senate have passed an engrossed bill of the House of Representatives, entitled,

An act legalizing the proceedings of certain trustees therein named, with an amendment, in which the concurrence of the House of Representatives is requested.

They have disagreed to the amendments proposed by the House of Representatives to the engrossed bill of the Senate,

entitled, "An act for the apportionment of Senators and Representatives in the General Assembly of this state."

The amendment proposed by the Senate to the bill of the House above named, was read and agreed to.

Ordered, That the clerk inform the Senate.

Mr. Long moved that the House insist on the amendment proposed by them to the engrossed bill of the Senate, named in said message; and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Beard, Bell, Bentley, Boon, Brown, Russell, Casey, Craig, Crume, Decker, Dowden, Dumont, Elliott, Ferris, Hall, Hillis, Hoover, Kinney, Logan, Long, McPheeters, Pitcher, Pollock, Read of D. and M., Reid of F., Reiley, Roe, Schoonover, Skeen, Wallace of F., Work and Hawk, Speaker—32.

And those who voted in the negative, are,

Messrs. Bence, Claypool, Coffin, Finley, Galletely, Gardner, Hamilton, Hendricks, Herod, Holman, Lane, Levenworth, Lowry, Lynd, Owens, Paddacks, Parks, Russell, Semaus, Smiley, Soper, Wallace of J., Worth, Wright and Zenor—25.

And so the House insisted on their said amendment.

On motion of Mr. Long,

It was ordered that a committee of free conference be appointed on the part of the House, and a similar one be requested on the part of the Senate, to take into consideration the disagreeing vote of the two Houses on said amendment:

Whereupon,

Messrs. Long and Reiley were appointed such committee, on the part of the House.

Ordered, That the clerk inform the Senate thereof.

The House resolved itself into a committee of the whole on the engrossed bill from the Senate for the relief of the superintendant of the state prison; and after some time spent therein, the Speaker resumed the chair, and Mr. Wallace of J. reported the same without amendment.

The said bill was then ordered to lie on the table.

On motion of Mr. McPheeters,

The committee of the whole House to which was committed the joint resolution allowing a premium for discovering the cause of the milk sickness, was discharged from the further consideration thereof; and

On motion of Mr. McPheeters,

The further consideration of said joint resolution was indefinitely postponed.

On motion of Mr. Smiley,

The committee of the whole House to which was committed the bill confirming in Zachariah Tannahill the right of keeping up and keeping in repair a certain mill dam therein named, were discharged from the further consideration thereof; and

On motion of Mr. Smiley,

Ordered, That the further consideration of said bill be indefinitely postponed.

The House resolved itself into a committee of the whole on the bill to provide for changing a part of the state road leading from Terre-Haute through the New Discovery to Crawfordsville; and after some time spent therein the speaker resumed the chair, and Mr. Work reported the same without amendment, when

On motion of Mr. Beard, it was

Ordered, That said bill lie on the table.

On motion of Mr. Holman,

The committee of the whole to which was referred the bill for the formation of a new county east of the county of Cass and for other purposes, were discharged from the further consideration thereof.

Ordered, That Mr. Holman have leave to withdraw said bill from the files of this House.

The House resolved itself into a committee of the whole on the engrossed bill from the Senate, regulating the jurisdiction and duties of justices of the peace; and after some time spent therein, the speaker resumed the chair, and Mr. Worth reported progress, and asked leave to sit again;

Which leave was given.

And then the House adjourned until to-morrow morning nine o'clock.

SATURDAY MORNING, JANUARY 22, 1831.

The House met pursuant to adjournment.

Mr. Holman presented a petition of Robert Hood, and others, praying a memorial to Congress for a donation of lands to aid this state in making a road from Lawrenceburgh to the southern bend of the St. Joseph river;

Which was read and laid on the table.

Mr. Russell presented a petition of Samuel McElvaine and others, praying certain relief to John M. Coonfield;

Which was read and referred to a select committee of Messrs. Russell, Bell and Worth.

Mr. Wallace of F., from the judiciary committee to which was referred a resolution on that subject, reported against the expediency of allowing a change of venue in criminal cases;

Which was read and concurred in.

Mr. Crume from the committee on roads to which was referred the petition of Henry W. Way and others, reported a bill to locate a state road from Connersville to Centreville by way of Goodlander's mill;

Which was read the first time and passed to a second reading.

Mr. Owens from the select committee to which was re-committed the bill respecting salines, saltpetre caves and saline reserves, reported the same with one amendment;

Which was read and concurred in.

On motion of Mr. Owen,

The blank in the 6th section thereof left for the name of the superintendant of Jackson's lick, was filled with the name of "Benjamin Rogers."

The said bill was then ordered to be engrossed and read a third time on Monday next.

Mr. Wallace of J., from the committee of ways and means to which were referred the annual reports of the auditor and treasurer of state, made a detailed report in relation to the financial concerns of the state;

Which was read, and

Ordered, That 1000 copies thereof be printed.

(See appendix D.)

Mr. Wallace of J., from the same committee, reported a bill making general appropriations for the year 1831;

Which was read the first time and passed to a second reading.

Mr. Dumont made the following report:

Mr. Speaker—

The committee of free conference, appointed on the difference between the Senate and the House of Representatives, on the subject of an amendment made by the Senate to the bill of the House of Representatives to regulate descents, distribution and dower, have considered the subject referred to them, and report,

That they have agreed to adopt the amendment of the Senate, with an amendment as follows:

After the words "state treasury," insert "to be applied exclusively to the support of free schools in the several townships of the proper county in such manner as a future legislature may direct;"

Which was read and concurred in.

Ordered, That the clerk inform the Senate thereof.

Mr. McNary from the select committee to which was re-committed the bill appropriating money to aid in building a bridge over the big fork of Walnut, and to improve the navigation of Eel river, reported the same with several amendments;

Which were read and concurred in.

Ordered, That said bill do lie on the table.

Mr. Kinney from the select committee to which was re-committed the engrossed bill to provide for the commencement of a state house, reported the same with several amendments;

Which were read and concurred in.

The said bill was then ordered to be engrossed and read a third time on Monday next.

Mr. Ferris after having obtained leave, presented a bill to prevent frauds in presenting petitions to the General Assembly; Which was read the first time, and passed to a second reading.

On motion of Mr. Semans,

The bill for the formation of a new county north of the county of Madison, heretofore laid on the table, was taken up, and

The question being put;

Shall the bill be engrossed and read a third time on Monday next?

It was decided in the negative.

The House then proceeded to consider the orders of the day.

Engrossed bills of the House of the following titles:

The bill to legalize the sale of school lands in the county of Madison.

The bill to continue in force "the act for the benefit of per-

sons who have, or are likely to suffer by the destruction of the records of Dearborn county, which were consumed by fire in the court house at Lawrenceburgh, on the morning of the 6th. of March 1826;" approved January 11, 1827; and

The bill to repeal an act therein named,

Were severally read the third time and passed.

Ordered, That the same be entitled acts, and that the clerk carry them to the Senate and ask their concurrence.

The engrossed bill for opening that part of the Michigan road between Logansport in Cass county, and the county seat of St. Joseph county, at or near the southern bend of the St. Joseph river;

Was read the third time, amended by unanimous consent, and passed.

Ordered, That the same be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

The engrossed bill of the House providing for the construction of a log rail way on the Michigan road,

Was read the third time, and

The question being put,

Shall the bill pass? and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Bence, Coffin, Craig, Decker, Dumont, Ferris, Gardner, Hall, Herod, Hillis, Hoover, Levenworth, Lynd, Owens, Paddacks, Read of D. and M., Russell, Schoonover, Stewart, Wallace of J., Work, Wright, Zenor and Howk, Speaker—24.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bentley, Boon, Brown, Bussell, Casey, Claypool, Crume, Elliott, Finley, Galletely, Hamilton, Hendricks, Holman, Kinney, Lane, Logan, Long, M, Pheeters, Parks, Pitcher, Pollock, Reid of F., Reiley, Roe, Semans, Skeen, Soper, Wallace of F., and Worth—31.

And so said bill was rejected.

The engrossed bill of the House supplemental to an act providing means for the construction of the Wabash and Erie Canal, -

Was read the third time; when

Mr. Bentley moved to re-commit the same to the committee on canals and internal improvements, with instructions so to amend it as to provide that the commissioners shall rate at least one third of the canal land, first rate, and one third second rate. and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Bentley, Casey, Coffin, Galletely, Hall, Hamilton, Herod, Hoover, Levenworth, Logan, Lowry, Lynd, Owens, Paddacks, Parks, Pitcher, Roe, Schoonover, Soper and Zenor—20.

And those who voted in the negative, are,

Messrs. Beard, Bence, Boon, Brown, Bussell, Claypool, Crume, Decker, Dumont, Elliott, Ferris, Finley, Gardner, Hendricks, Hillis, Holman, Kinney, Long, M'Nary, M'Pheeters, Pollock, Read of D. and M., Reid of F., Reiley, Russell, Semans, Skeen, Stewart, Wallace of F., Wallace of J., Work, Worth, Wright, and Howk, Speaker—34.

And so said motion was decided in the negative.

Mr. Soper moved to re-commit the bill to the committee on canals and internal improvements with instructions to amend it so that the canal commissioners be authorised to expend \$10,000 on said canal during the present year, and no more; and

The ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Bence, Bentley, Coffin, Crume, Dowden, Hamilton, Herod, Hoover, Levenworth, Logan, Lowry, Lynd, McPheeters, Owens, Paddacks, Parks, Pitcher, Reid of F., Roe, Schoonover, Soper, Work, Wright, Zenor and Howk, Speaker—25.

And those who voted in the negative, are,

Messrs. Beard, Boon, Brown, Bussell, Casey, Claypool, Decker, Dumont, Elliott, Ferris, Finley, Galletely, Gardner, Hall, Hendricks, Hillis, Holman, Kinney, Long, McNary, Pollock, Read of D. and M., Reily, Russell, Semans, Skeen, Stewart, Wallace of F., Wallace of J., and Worth—30.

And so said motion was decided in the negative.

A motion was then made by Mr. Galletely to re-commit said bill to the canal committee with instructions to amend it so as to authorise the loan of \$150,000 00 on the pledge of the lands sold and to sell;

Which was decided in the negative.

The question was then put,

Shall the bill pass? and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Beard, Boon, Brown, Bussell,, Casey, Claypool, Decker, Dumont, Elliott, Ferris, Finley, Galletely, Gardner, Hall, Hendricks, Hillis, Holman, Kinney, Long, McNary, Pollock, Read of D. and M., Reid of F., Reiley, Russell, Semans, Skeen, Stewart, Wallace of F., Wallace of J., and Worth—31.

And those who voted in the negative, are,

Messrs. Bence, Bentley, Coffin, Craig, Crume, Dowden, Hamilton, Herod, Hoover, Levenworth, Logan, Lowry, Lynd, M'Pheeters, Owens, Paddacks, Parks, Pitcher, Roe, Schoonder, Soper, Work, Wright Zenor and Howk, Speaker—25.

And so said bill passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

On motion of Mr. Elliott,

The orders of the day were for the present postponed, and the bill authorising the agent of state for the town of Indianapolis, to lay off the lands belonging to the state, into lots, and offer the same for sale; laid on the table yesterday, was taken up and recommitted to the committee on the affairs of the town of Indianapolis, with instructions to strike out so much thereof as authorises a sale of the Governor's circle.

A message from the Senate, by Mr. Morris their assistant secretary:

Mr. Speaker,

The Senate continue to insist upon their disagreement to the amendment proposed by the House to the engrossed bill of the Senate entitled,

"An act for the apportionment of Senators and Representatives in the General Assembly of this state, and have appointed Messrs. Sering and Orr, a committee of free conference to take into consideration the disagreeing votes of the two Houses.

The House again resolved itself into a committee of the whole on the engrossed bill from the Senate, regulating the jurisdiction and duties of justices of the peace; and after some time spent therein, the Speaker resumed the chair, and Mr. Worth reported progress and asked leave to sit again;

Which was granted.

And then the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

A Message from the Senate by Mr. Morris their assistant secretary:

Mr. Speaker—

The Senate have concurred in the report of the committee of free conference, appointed to take into consideration the disagreeing votes of the two Houses, on the third amendment proposed by them to the engrossed bill of the House, entitled, "An act to regulate descents, distribution and dower."

Mr. Elliott from the joint committee on enrolled bills, reported,

That they did, on this day, present to the Governor for his approval and signature, the following enrolled bills entitled acts, to wit:

An act to incorporate the Lawrenceburgh bridge company;

An act for the prevention of frauds and perjuries.

An act organizing circuit courts and defining their powers and duties.

An act to establish and re-locate a part of the Madison state road.

An act to republish and continue in force the several acts and joint resolutions relative to the permanent seat of government, and the affairs of the town of Indianapolis.

An act to establish a state road from Richmond in Wayne county, to Fort Wayne in Allen county.

An act to establish and re-locate a part of the Madison state road.

An act to raise additional revenue for the county of Ripley.

The House again resolved itself into a committee of the whole on the engrossed bill from the Senate regulating the jurisdiction and duties of justices of the peace; and after some time spent therein, the Speaker resumed the chair, and Mr. Worth reported the same with several amendments; and

Before the question was put on concurring therein,

The House adjourned until Monday morning nine o'clock.

MONDAY MORNING, JANUARY 24, 1831,

The House met pursuant to adjournment.

Mr. Hankins to whom leave of absence was heretofore given, now appeared and resumed his seat.

The speaker presented a sole remonstrance of Jacob Paden, and another of Jacob Paden and others, respectively remonstrating against the repeal of an act of last session, incorporating congressional township No. 3, south of range 12 west, in Gibson county;

Which were read and referred to the committee on education.

Mr. Russell from the committee on the affairs of the town of Indianapolis to which was recommitted the engrossed bill to authorise the agent of state for the town of Indianapolis to lay off the lands belonging to the state into lots and offer the same for sale, reported the bill with one amendment;

Which was read and concurred in.

The said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Dowden made the following report:

Mr. Speaker—

The select committee to which were referred sundry petitions and resolutions, praying a repeal of the present laws imposing a fine on Sabbath breakers, and those who may interrupt, molest or disturb religious worshippers, have had the same under their consideration, and a majority of them have instructed me to report, that they think it inexpedient to legislate upon that subject;

Which was read, and

On motion of Mr. Hoover,

Was ordered to lie on the table.

Mr. Finley, after having obtained leave, presented a joint resolution of the state of Indiana;

Which was read the first time and passed to a second reading.

Mr. Beard, after having obtained leave, presented a bill concerning the town of Crawfordsville;

Which was read the first time and passed to a second reading.

The House then proceeded to consider the orders of the day:

The consideration of the engrossed bill from the Senate regulating the jurisdiction and duties of justices of the peace, depending at the last adjournment, was resumed.

The amendments to said bill, reported by the committee of the whole, were severally read and concurred in, except the seventh, which is by adding to the 71st section, the following:

“Provided, That all justices of the peace, other than living within the bounds of any corporation of a county town, shall be allowed six cents per mile, to be collected as his other fees are, for filing appeal papers in the clerk’s office of his county.”

Mr. Ferris moved to amend said amendment, by striking out therefrom the word “filing,” and inserting in lieu thereof the words “travelling to file;”

Which passed in the affirmative; and

The question being put on concurring in said amendment as amended;

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Beard, Bell, Bentley, Boon, Bussell, Claypool, Crume, Decker, Dowden, Dumont, Elliott, Ferris, Finley, Gardner, Hall, Hamilton, Hankins, Hendricks, Hillis, Kinney, Lane, Levenworth, Long, Lowry, Owens, Parks, Pollock, Reid of F., Reiley, Roe, Semans, Wallace of F., Wallace of J., Wright and Zenor—35.

And those who voted in the negative, are,

Messrs. Armstrong, Bence, Brown, Casey, Coffin, Craig, Galletely, Herod, Holman, Hoover, Logan, Lynd, M’Nary, M’Pheeters, Paddacks, Pitcher, Read of D. and M., Schoonover, Skeen, Soper, Stewart, Work and Hawk, Speaker—23.

And so said amendment as amended was concurred in.

Mr. Herod then moved further to amend said bill by adding the following as an additional section:

“Sec. And be it further enacted, That hereafter, when any execution, issued by a justice of the peace, shall come into the hands of the proper officer, and the defendant shall fail or refuse to replevy the same, the officer shall sell such property as may be by him taken in execution, at the same credit as to time as stay of execution could have been obtained on the same judgment; and the purchaser or purchasers shall give a bond with approved security, payable to the execution plaintiff, to be approved of by the justice who issued said execution, which bond shall be entered on the docket of said justice, which, when so entered, shall have all the force and effect of a judgment against bail, and which shall operate as a release from that amount on said execution;” and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Bussell, Coffin, Decker, Herod, Lynd, Pitcher and Russell—7.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bell, Bence, Bentley, Boon, Brown, Casey, Claypool, Craig, Crume, Dowden, Dumont, Elliott, Ferris, Finley, Galletely, Gardner, Hall, Hamilton, Hankins, Hendricks, Hillis, Holman, Hoover, Kinney, Lane, Levenworth, Logan, Long, Lowry, M'Nary, M'Pheters, Owens, Paddacks, Parks, Pollock, Read of D. and M., Reid of F., Reiley, Roe, Schoonover Semans, Skeen, Soper, Stewart, Wallace of F., Wallace of J., Work, Wright, Zenor, and Howk, Speaker—52.

And so said motion was decided in the negative.

A motion was made by Mr. Bussell further to amend the bill, by adding the following to the 54th section:

“But no witness shall be subject to such fine or damages aforesaid, unless his fees should have been tendered previous to such trial.”

Mr. Armstrong moved to amend said amendment by adding thereto these words, “except in criminal cases;”

Which motion was decided in the negative.

The question then recurring on the amendment moved by Mr. Bussell,

It was decided in the negative.

Mr. Wright moved to amend the 20th section, the provisions of which require an affidavit against fraud in confessed judgments, so that such affidavits shall not be necessary when the judgment is for a sum under \$50.

Which motion was decided in the negative.

Mr. Wallace of J. moved to amend the bill by adding the following to the 26th section, to-wit: “And the justice is hereby required, at the request of either party, to make out their cause of action or defence, for which duty he shall be permitted to charge the same fee as for issuing a summons to be taxed with the costs of the suit.”

Mr. Read of D. and M. moved to amend said amendment, by striking out therefrom so much as allows the justice a fee for the service;

Which passed in the affirmative.

The question then recurring on the amendment as amended;

It was decided in the negative.

Mr. Reiley moved so to amend the 18th section of the bill

that the jurisdiction of justices shall extend in all actions of covenant to \$100, and in actions of trover, to \$50.

A division of the question being demanded by Mr. Kinney, It was put on the 1st proposition in said amendment,

And decided in the negative.

The question then being put, on the last branch of said amendment, to-wit: increasing the jurisdiction in actions of trover to \$50;

It passed in the affirmative.

The said amendments were then ordered to be engrossed and the bill read a third time to-morrow.

A message from the Senate by Mr. Morris their assistant secretary:

Mr. Speaker,

The Senate concur in the amendments proposed by the House of Representatives to the engrossed bill of the Senate, entitled,

“An act regulating the mode of summoning and empannelling grand and petit jurors;”

The bill making general appropriations for the year 1831,

Was read the second time and ordered to be engrossed and read a third time to-morrow.

The bill to prevent frauds in presenting petitions to the General Assembly, was read the second time, when

Mr. Hoover moved that the further consideration thereof be indefinitely postponed.

Which motion was carried in the affirmative.

Engrossed bills of the following titles:

The bill respecting salines and saline reserves, and

The bill to locate a state road from Connersville to Centreville, by the way of Goodlander's mill,

Were severally read the third time and passed.

Ordered, That the same be entitled acts, and that the clerk carry them to the Senate and ask their concurrence.

The engrossed bill to provide for the commencement of a state house was read the third time, when

Mr. Dumont moved to re-commit the same to a select committee with instructions to amend it, so that the powers and duties therein given to the commissioners, shall be vested in, and required of the agent of state for the town of Indianapolis, and the appointment of such commissioner be dispensed with;

Which passed in the affirmative.

Ordered, That Messrs. Dumont, Wallace of J. and Soper, be that committee.

The following communication, in writing, was received from the Governor, by Mr. Heylin his private secretary:

EXECUTIVE DEPARTMENT,
Ind. Inds. Jan'y. 24, 1831. }

HON. ISAAC HOWE, *Speaker*
of the House of Representatives:

SIR—I herewith transmit to the House of Representatives the accompanying resolutions of the state of Vermont, relative to an amendment to the constitution of the United States providing for a uniform mode of electing a President and Vice-President of the United States by the people, without the intervention of electors, and without submitting the decision in any case to Congress, which express an opinion opposed to any such amendment, whatever.

I have the honor to be, Sir,

Very respectfully, your

Most ob't. Serv't.,

J. BROWN RAY."

Which was read, together with the resolutions therein enclosed, and referred to the judiciary committee.

Mr. Boon moved to take up the report of the committee on claims, heretofore laid on the table, on the subject of an allowance to Elisha Tadlock;

Which motion was decided in the negative.

On motion of Mr. Kinney,

The bill regulating the interest of money in the state of Indiana, heretofore laid on the table, was taken up; and

The question being put, on the motion of Mr. Soper, depending when the bill was last under consideration, to amend the same by adding to the second section thereof the following proviso: "*Provided*, That interest shall in no case exceed fifteen per cent;,"

It was decided in the negative.

Mr. Bentley moved to amend said bill, by adding the following proviso to the second section, viz:

"*Provided*, That there shall not be any higher rate of interest than six per cent. allowed on any contract, sale, or other instrument of writing except for money lent;,"

Which motion was decided in the negative.

The said bill was then ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Gardner,

The bill to provide for changing a part of the state road from Terre-Haute through the New Discovery to Crawfordsville, heretofore laid on the table, was taken up, when

Mr. Beard moved to amend the first clause of said bill, which provides for a relocation of said road, from the house of Benjamin C. Fuller, in Parke county, the nearest and best way to Dixon's mills, thence the nearest and best way to Crawfordsville in Montgomery county, by striking out the words "Crawfordsville in Montgomery county," and inserting in lieu thereof, these words, "where the road crosses the county line dividing the counties of Montgomery and Parke."

Mr Gardner moved to amend said amendment, so that it shall read thus: "To the line dividing the counties of Montgomery and Parke, in a direction to Crawfordsville;"

Which passed in the affirmative; and

The question recurring on the amendment of Mr. Beard as amended;

It was carried in the affirmative.

The said bill was then ordered to be engrossed and read a third time to-morrow.

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Hendricks, after having obtained leave, presented two petitions; one of Nathaniel Smith and others, the other of Luther Donnell and others, severally praying a state road from near Jehu Perkins' in Rush county, to intersect the Michigan road near the town of Napoleon in Ripley county.

Mr. Bussell presented a petition of James Holman and others, of the same tenor with those last named;

Which said three petitions were severally read the and referred to a select committee of Messrs. Hendricks, Bussell, Skeen and Wallace of J.

Mr. Worth from the joint committee on enrolled bills reported,

That they had compared the enrolled with the engrossed bills, joint resolution and memorials, entitled as follows:

An act to incorporate the Madison insurance company.

An act legalizing the proceedings of certain trustees therein named.

An act relative to the Borough of Vincennes.

A joint resolution respecting the printing of a certain act therein named.

A memorial and joint resolution for the relief of John Kimberlin;

And found the same truly enrolled; when

The Speaker signed said bills and joint resolutions.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

A message was received from the Governor by Mr. Heylin his private secretary, notifying—

That he did, on this day, approve and sign the following acts, to-wit:

An act to republish and continue in force the several acts and joint resolutions relative to the permanent seat of government, and the affairs of the town of Indianapolis.

An act to establish and re-locate a part of the Madison state road.

An act organizing circuit courts and defining their powers and duties.

An act to incorporate the Lawrenceburgh bridge company;

An act to raise additional revenue for the county of Ripley.

An act to establish a state road from Richmond in Wayne county, to Fort Wayne in Allen county.

On motion of Mr. Stewart,

The joint resolution for the benefit of Thomas Mead and others, (revolutionary soldiers,) heretofore laid on the table, was taken up; and

The question being put on the motion of Mr. Boon, to insert therein the name of Handy Hanley of Sullivan county, depending when the joint resolution was laid on the table;

It was carried in the affirmative.

Mr. Herod moved further to amend said joint resolution, by inserting therein the name of William Owens of Bartholomew county;

Which motion was carried in the affirmative.

Mr. Coffin moved further to amend the same by inserting therein the name of Philip C. Pierce of Orange county;

Which motion was carried in the affirmative.

Mr. Beard moved further to amend the same by inserting therein the name of Isaac Ellston of Tippecanoe county;

Which motion was carried in the affirmative.

Mr. Armstrong moved further to amend the same by inserting therein the name of Isaac Way of Dearborn county; and

Before the question was put, a motion was made by Mr. McNary to postpone the further consideration of said joint resolution indefinitely;

Which motion was decided in the negative.

The question then recurring on the motion of Mr. Armstrong to amend;

It passed in the affirmative.

Mr. Wallace of J. moved further to amend the joint resolution by inserting therein the name of George Burke of Jefferson county;

Which motion was carried in the affirmative.

Mr. Logan moved further to amend the same by inserting therein the name of Michael Downing of Washington county;

Which motion passed in the affirmative.

Mr. Bussell moved further to amend the same by inserting therein the name of Jacob Knight, sen'r. of Rush county;

Which motion was carried in the affirmative.

Mr. Gardner moved further to amend the same by inserting therein the name of Nimrod Stone of Vermillion county;

Which motion passed in the affirmative.

Mr. Hoover moved further to amend the joint resolution by inserting therein, after those names, the words, "and all other revolutionary soldiers;"

Which motion was carried in the affirmative.

The question being then put, "Shall the said joint resolution be engrossed and read a third time to-morrow?"

It was decided in the negative.

And so said joint resolution was rejected.

A Message from the Senate by Mr. Farnham, their secretary:

Mr. Speaker—

The Senate have passed an engrossed bill, entitled,

An act supplemental to an act entitled, "An act relative to foreign attachments," approved January 20, 1831; in which the concurrence of the House of Representatives is requested.

The bill named in said message, was twice read, (the rules of the House having first been dispensed with) and ordered to be read a third time to-morrow.

On motion of Mr. Long,

The vote taken this morning on re-committing the engrossed bill to provide for the commencement of a state house to a select committee with instructions, was reconsidered; and

The question being again put on said motion to re-commit;
It was decided in the negative.

The said bill was then amended by unanimous consent; and

The question being put, "Shall the bill pass?" and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Bell, Bence, Brown, Bussell, Casey, Coffin, Crume, Dumont, Galletely, Gardner, Hall, Herod, Hillis, Holman, Hoover, Lane, Lynd, M'Nary, M'Pheeters, Pitcher, Reid of F., Roe, Russell, Stewart, Wallace of F., Wallace of J., Work, Worth and Howk, Speaker—29.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bentley, Boon, Claypool, Craig, Decker, Dowden, Ferris, Finley, Hamilton, Hankins, Hendricks, Kinney, Levenworth, Logan, Long, Lowry, Owens, Paddacks, Parks, Read of D. and M., Reiley, Schoonover, Semans, Skeen, Soper, Wright and Zenor—29.

And so said bill was rejected.

The House resolved itself into a committee of the whole on the bill making specific appropriations for the year 1831; and after some spent therein, the speaker resumed the chair, and Mr. Wright reported the same with sundry amendments;

Which were read and concurred in; and

On motion of Mr. Logan,

Ordered, That said bill do lie on the table.

And then the House adjourned until to-morrow morning nine o'clock.

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TUESDAY MORNING, JANUARY 20, 1831.

The House met pursuant to adjournment,

Mr. Worth presented a petition of Francis McClelland, praying compensation for services as commissioner on the state road leading from Martinsville, north to the Michigan road;

Which was read and referred to the judiciary committee.

Mr. Smiley presented four petitions of citizens of Shelby and Rush counties, severally praying a state road from Rushville to Marion, and thence to intersect the Michigan road in a direction to Indianapolis; and a remonstrance of Nathan Johnston and others, against the same;

Which were severally read and referred to the committee on roads.

Mr. Russell presented a petition of Isaac N. Phipps and others, praying relief to Daniel Pattengale and Earl Pearce, for losses sustained in opening part of the Lafayette state road;

Which was read and referred to the committee on roads.

Mr. Hall made the following report, viz:

"The judiciary committee to whom was referred the petition of Daniel St. John and others, praying for the passage of a law to authorize the late stock-holders of the old State Bank of Indiana and its branches at Brookville, Corydon and Vevay, to collect the debts due thereto; and with the lands, property, and effects thereof, to pay the outstanding debts against the same, have had the subject under consideration, and have come to the conclusion that the legislature have not the authority to grant the relief prayed for.

Your committee are of opinion that prior to the passage of the act of this General Assembly, on the 31st January, 1824, the law was settled, "that upon the dissolution of a corporation, its lands and tenements reverted to the grantor and his heirs; that its goods and chattles became vested in the state, and that the debts due to and from the corporation, were extinguished by its dissolution."

Those corporations having forfeited their charter before the taking effect of that act, their property and effects became vested either in the state, or individuals—and *vested* rights are protected by the constitution. Your committee, therefore, ask to be discharged from the further consideration of the subject."

Ordered, That said committee be discharged accordingly.

Mr. Hoover from the committee on the affairs of the town of Indianapolis, to which was referred a resolution relative to the expediency of selling the Governor's circle, reported that they have had the subject under consideration, but as the same subject matter has, since the adoption of said resolution, been introduced to the House, they deem any further consideration thereof, unnecessary;

Which was read, and thereupon it was

Ordered, That said committee be discharged from the further consideration of the subject.

Mr. Ferris from the select committee to which was referred a resolution of the House on that subject, reported a bill making further provisions for final settlements with road commissioners;

Which was twice read (the rules of the House having first been dispensed with) and committed to a committee of the whole house for to-morrow.

Mr. Logan from the select committee to which was referred the petition of Wm. H. Carter and others, reported a bill supplemental to an act entitled "An act to incorporate a company to make a turnpike road from New Albany in Floyd county, to Vincennes in Knox county;" approved January 29, 1830;

Which was twice read, (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time to-morrow.

Mr. Hall from the committee on the judiciary to which was re-committed the engrossed bill from the Senate, relating to county seminaries, reported the same without amendment.

Ordered, That said bill be re-committed to a committee of the whole House for to-morrow.

Mr. Levenworth from the select committee to which was referred a resolution of this house, directing an inquiry into the comparative advantages of canals and rail-ways, preparative to a general system of internal improvement throughout the state, made a report upon that subject;

Which was read and laid on the table.

Ordered, That one thousand copies thereof be printed.

Mr. Logan moved the following resolution:

Resolved, That this House will adjourn *sine die*, one Wednesday, the 2nd day of February next, and that the Senate be informed of the same, and a similar resolution on their part requested.

Mr. Wallace of J., moved to amend the same, by adding these words thereto: "*Provided*, the house shall so soon finish their business."

Before the question was put,

On motion of Mr. Long,

The said resolution and proposed amendment, were ordered to lie on the table.

Mr. Ferris, after having obtained leave, presented a bill concerning the corporation of the town of Lawrenceburgh;

Which was read twice (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time to-morrow.

A message from the Senate by Mr. Morris, their assistant-secretary:

Mr. Speaker—

The Senate have passed bills entitled as follow:

An act for the relief of insolvent debtors;

An act to regulate marriages;

An act to re-locate part of the state road leading from the Jeffersonville state road, on the west side of Silver Creek, to the lower falls of Driftwood Fork of White River: also

A memorial of the General Assembly of the state of Indiana to the Congress of the United States, on the subject of the Wabash and Erie canal: also,

A bill of the House of Representatives, entitled

An act to re-locate the county seat of St. Joseph county; with amendments, in which, and the bills of the Senate, the concurrence of the House of Representatives is requested.

The first and second amendments proposed by the Senate to the bill of the house named in said message, were read and agreed to, and

Before the question was taken on concurring in the third amendment,

On motion of Mr. Holman,

The bill and said proposed amendment were ordered to lie on the table.

The bill of the Senate first in said message named, was twice read (the rules of the House having first been dispensed with) and committed to a committee of the whole House for to-morrow.

The bill of the Senate secondly in said message named,

Was read the first and second times (the rules of the House having first been dispensed with) and passed to a third reading to-morrow.

The bill of the Senate thirdly in said message named,

Was read the first and second times (the rules of the House having first been dispensed with) and laid on the table.

The memorial from the Senate named in said message,

Was read the first time, when

A motion was made by Mr. Boon to reject the same; and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Beard, Bell, Boon, Brown, Claypool, Decker, Dumont, Elliott, Ferris, Finley, Galletely, Gardner, Hendricks, Hillis, Holman, Kinney, Long, McNary, Pollock, Read of D. and M., Reid of F., Reiley, Russell, Semans, Skeen. Stewart, Wallace of F., Wallace of J. and Worth—29.

And those who voted in the negative, are,

Messrs. Armstrong, Bence, Bentley, Casey, Coffin, Craig, Crume, Dowden, Hall, Hamilton, Hankins, Herod, Hoover, Lane, Levenworth, Logan, Lowry, Lynd, McPheeters, Owens, Paddacks, Parks, Pitcher, Roe, Schoonover, Smiley, Soper, Work, Wright, Zenor and Howk, Speaker—31.

And so said motion was decided in the negative.

The said memorial was then ordered to pass ta a second reading,

And then the House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

And proceeded to consider the orders of the day:

The joint resolution of the General Assembly of the state of Indiana, relative to the sale of the Governor's circle,

Was read the second time and committed to a committee of the whole house for to-morrow.

The bill concerning the town of Crawfordsville,

Was read the second time and ordered to be engrossed and read a third time to-morrow.

The engrossed bill regulating the interest of money in the state of Indiana, was read the third time, and

The question being then put. "Shall the bill pass?" and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Bence, Bussell, Casey, Claypool, Coffin, Craig, Elliott, Finley, Gardner, Herod, Hoover, Levenworth, Long, Lowry, Lynd, M'Pheeters, Owens, Parks, Reid of F., Reiley, Roe, Russell, Skeen, Work and Worth—25.

And those who voted in the negative are,

Messrs. Beard, Bell, Bentley, Boon, Brown, Crume, Decker, Dowden, Ferris, Hamilton, Hendricks, Hillis, Kinney, Lane, Logan, M'Nary, Pollock, Read of D. and M., Schoonover, Semans, Smiley, Soper, Wright, Zenor and Howk, Speaker—25.

And so said bill was rejected.

Engrossed bills of the House of the following titles, to-wit:

The bill making general appropriations for the year 1831, and

The engrossed bill to provide for changing part of the state

road leading from Terre-Haute, through the New Discovery to Crawfordsville,

Were severally read the third time and passed.

Ordered, That the same be entitled acts, and that the clerk carry them to the Senate and ask their concurrence.

The engrossed bill to authorise the agent of state for the town of Indianapolis, to lay off the lands belonging to the state, into lots, and offer the same for sale,

Was read the third time, when

Mr. Crume moved to re-commit it to a select committee;

Which motion was decided in the negative.

The question then being put,

Shall the bill pass? and

The ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Beard, Bell, Bence, Boon, Brown, Bussell, Casey, Claypool, Coffin, Decker, Dowden, Dumont, Elliott, Ferris, Finley, Galletely, Gardner, Hall, Hamilton, Hankins, Hendricks, Herod, Hillis, Holman, Hoover, Lane, Levenworth, Logan, Long, Lowery, Lynd, M'Nary, M'Pheeters, Owens, Parks, Pollock, Read of D. and M., Reid of F., Roe, Russell, Schoonover, Semans, Skeen, Smiley, Soper, Wallace of F., Work, Worth, Wright, Zenor and Howk, Speaker—52.

And those who voted in the negative, are,

Messrs. Bentley, Craig, Crume, Paddacks and Reiley—5.

And so said bill passed.

Ordered, That the same be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

On motion of Mr. Kinney,

The vote taken this day on the passage of the engrossed bill regulating the interest of money in the state of Indiana, was re-considered, when

Mr. Bentley moved to re-commit said bill to a select committee, with instructions so to amend it, as that a rate of interest beyond six per cent., shall not be recoverable on any contracts, other than for money lent;

Which motion was decided in the negative.

The question then being again put,

"Shall the bill pass?" and

The ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Bence, Bussell, Casey, Claypool, Coffin, Craig, Dumont, Elliott, Finley, Gardner, Hall, Hankins, Herod, Hoover, Kinney, Leverworth, Long, Lowry, Lynd, McPheeters, Owens, Parks, Reid of F., Reiley, Roe, Russell, Skeen, Wallace of F., Wallace of J., Work and Worth—32.

And those who voted in the negative, are,

Messrs. Beard, Bell, Bentley, Boon, Brown, Crume, Decker, Dowden, Ferris, Galletely, Hamilton, Hendricks, Hillis, Holman, Lane, Logan, McNary, Paddacks, Pollock, Read of D. and M., Schoonover, Semans, Smiley, Soper, Wright Zenor and Howk, Speaker—27.

And so said bill passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

The engrossed bill from the Senate supplemental to an act entitled "An act relative to foreign attachments;" approved January 20, 1831;

Was read the third time and passed.

Ordered, That the clerk inform the Senate thereof.

The engrossed bill from the Senate regulating the jurisdiction and duties of justices of the peace;

Was read the third time, amended by unanimous consent, and passed.

Ordered, That the clerk inform the Senate thereof and ask their concurrence in the amendments.

A message from the Senate by Mr. Morris, their assistant secretary.

Mr. Speaker—

The Senate have passed an engrossed bill of the House of Representatives, entitled,

An act to legalize the sale of the school lands in the county of Madison.

An act to repeal an act therein named.

An act to continue in force an act for the benefit of persons who have suffered, or who are likely to suffer by the destruction of the records of Dearborn county, which were consumed by fire in the court house at Lawrenceburgh, on the morning of the 6th of March 1826, approved January 11, 1827, without amendment; also,

An act regulating distress for rent, with amendments.

They have also passed the following bills of the Senate, entitled,

An act to change a part of the state road from the state line, in the direction of Vandalia, in the state of Illinois, by way of the points therein named, to Greensburgh in Decatur county.

An act for the relief of Jesse Oniel; and

An act to provide for the re-location of the seat of justice of Fountain county; in which, together with the amendments to the former bills, the concurrence of the house of representatives is requested.

The amendments proposed by the Senate to the bill of the House last in said message named;

Were read and agreed to.

Ordered, That the clerk inform the Senate thereof.

The bills of the Senate, first and secondly in said message named;

Were severally read the first time and passed to a second reading.

The bill of the Senate last named therein;

Was twice read (the rules of the House having first been dispensed with) and ordered to be read a third time to-morrow.

The following message was received from the Senate by Mr. Morris their assistant secretary:

Mr. Speaker,

The Senate have passed an engrossed joint resolution of the state of Indiana, which originated in the House of Representatives, with an amendment,

They have also passed a memorial of the General Assembly of the state of Indiana, to the Congress of the United States, soliciting an alteration in the compact of 1816, by which lands sold by the United States are not liable to taxation for five years from and after the day of sale; in which, together with the amendment to the preceding resolution, the concurrence of the House of Representatives is requested.

The amendment proposed by the Senate to the above named joint resolution of the House,

Was read and agreed to.

Ordered, That the clerk inform the Senate thereof.

The engrossed memorial from the Senate, named in the message, was twice read (the rules of the House having first been dispensed with) when

Mr. Long moved to commit the same to a committee of the whole House for to-morrow;

Which motion was decided in the negative.

A motion was then made by Mr. Elliott, to lay the same on the table;

Which was decided in the negative.

Mr. Kinney moved to amend the first resolve annexed to said memorial, in that part of the same which requests our senators and representatives in Congress, to procure the passage of an act releasing this state from the article of compact mentioned in the memorial, so as to allow this state the privilege of hereafter taxing lands sold by the United States in this state, in common with other lands, from and after the time of sale, by transposing the word "hereafter," so as to insert it before the word "sold;"

Which motion was carried in the affirmative.

The question then being put—shall the amendment be engrossed, and the memorial read a third time to-morrow? and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Bence, Bentley, Boon, Brown, Casey, Coffin, Crume, Decker, Dowden, Finley, Galletely, Hall, Hamilton, Hankins, Herod, Hillis, Hoover, Lane, Levenworth, Logan, Lowry, Lynd, M'Pheeters, Owens, Paddacks, Parks, Pollock, Read of D. and M., Reid of F., Reiley, Roe, Schoonover, Skeen, Soper, Stewart, Wallace of F., Wallace of J., Work, Wright Zenor and Howk, Speaker—42.

And those who voted in the negative, are,

Messrs. Beard, Bell, Claypool, Craig, Dumont, Elliott, Ferris, Gardner, Hendricks, Holman, Kinney, Long, M'Nary, Pitcher, Semans, Smiley and Worth—17.

And so it was

Ordered, That said amendment be engrossed, and the memorial read a third time to-morrow.

On motion of Mr. Wallace of F.,

The engrossed joint resolution from the Senate on behalf of the representatives of the late John C. S. Harrison, heretofore laid on the table, was taken up and considered; and

The question being put,

Shall the amendment be engrossed, and the joint resolution read a third time to-morrow? and

The ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Brown, Dowden, Elliott, Ferris, Finley, Galletely, Hall, Hendricks, Herod, Hillis, Hoover, Kinney, Levenworth, Pollock, Reid of F., Reily, Russell, Soper, Wallace of F., Wallace of J., Zenor and Howk, Speaker—22.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bell, Bence, Bentley, Boon, Casey, Claypool, Coffin, Craig, Crume, Decker, Dumont, Gardner, Hamilton, Hankins, Lane, Logan, Long, Lowry, Lynd, McNary, McPheeters, Owens, Paddacks, Parks, Pitcher, Read of D. and M., Roe, Schoonover, Semans, Skeen, Smiley, Stewart, Work, Worth and Wright—37.

And so said joint resolution was rejected.

On motion of Mr. Lowry,

The engrossed bill from the Senate to re-locate part of the state road leading from the Jeffersonville state road on the west side of Silver Creek, to the lower falls of the Driftwood Fork of White River, laid on the table this day, was taken up and considered: it was thereupon

Ordered, That said bill be read a third time on to-morrow;

And then the House adjourned until to-morrow morning nine o'clock.

WEDNESDAY MORNING, JANUARY 26, 1831.

The House met pursuant to adjournment.

Mr. Worth from the joint committee on enrolled bills, reported,

That they had compared the enrolled with the engrossed bills entitled as follows:

An act to legalize the sale of the school lands in the county of Madison.

An act to repeal an act therein named.

An act to regulate descents, distribution and dower.

An act to regulate the mode of summoning and empannelling grand and petit jurors.

An act to continue in force "an act for the benefit of persons who have, or are likely to suffer by the destruction of the records of Dearborn county, which were consumed by fire in the

court house at Lawrenceburgh, on the morning of the 6th of March, 1826, approved January 11th, 1827;

And found the same truly enrolled; when

The Speaker signed said bills.

Ordered, That the clerk carry them to the Senate for the signature of their president.

Mr. Russell presented a petition of John B. Harmon and others, setting forth that the funds designated for the Indianapolis and Lafayette state road, have not been advantageously applied; and praying the removal of the commissioner on said road;

Which was read and referred to the committee on roads.

Mr. Hall from the committee on the judiciary to which was referred the petition of sundry citizens of Saint Joseph county, reported a bill legalizing the proceedings of the board of justices of said county;

Which was read the first time, and passed to a second reading.

Mr. Hall from the select committee to which was referred a resolution of the House on that subject, reported a bill giving mechanics a lien on buildings;

Which was read the first time and passed to a second reading.

Mr. Read of D. and M., after having obtained leave, presented a joint resolution on the subject of the revised laws;

Which was read the first time and passed to a second reading.

The House then proceeded to consider the orders of the day.

The engrossed memorial of the General Assembly of the state of Indiana, from the Senate, on the subject of the Wabash and Erie canal, was read the second time, when

A motion was made by Mr. Boon, to lay it on the table;

Which was decided in the negative.

Mr. Wallace of F. then moved that the further consideration thereof be indefinitely postponed; and

The ayes and noes being required thereon by two members

Those who voted in the affirmative, are,

Messrs. Beard, Bell, Boon, Brown, Claypool, Decker, Dromont, Elliott, Ferris, Finley, Galletely, Gardner, Hendricks, Hillis, Holman, Kinney, Long, McNary, Owens, Read of D. and M., Reid of F., Reiley, Russell, Semans, Skeen, Stewart, Wallace of F., Wallace of J. and Worth—29.

And those who voted in the negative, are,

Messrs. Armstrong, Bence, Bentley, Bussell Casey, Coffin, Craig, Crume, Dowden, Hall, Hamilton, Hankins, Herod, Hoover, Lane, Levenworth, Logan, Lowry, Lynd, McPheeters, Paddacks, Parks, Pitcher, Pollock, Roe, Schoonover, Smiley, Soper, Work, Wright, Zenor and Howk, Speaker—32.

And so said motion was decided in the negative.

Mr. Armstrong moved to refer said memorial to a select committee with instructions to amend it by striking out so much thereof as relates to the choice of constructing a rail-road; and

The ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Bell, Bence, Brown, Bussell, Casey, Coffin, Craig, Dowden, Ferris, Hamilton, Hendricks, Herod, Hoover, Kinney, Levenworth, Logan, Lynd, M'Pheeters, Parks, Roe, Schoonover, Wright and Zenor—24.

And those who voted in the negative, are,

Messrs. Beard, Boon, Claypool, Crume, Decker, Dumont, Elliott, Finley, Galletely, Gardner, Hall, Hankins, Hillis, Holman, Lane, Long, Lowry, McNary, Owens, Paddacks, Pitcher, Read of D. and M., Reid of F., Reiley, Russell, Semans, Skeen, Smiley, Soper, Stewart, Wallace of F., Wallace of J., Work, Worth and Howk, Speaker—35.

And so said motion was decided in the negative.

Mr. Pollock then moved to lay said memorial on the table;

Which motion was decided in the negative.

Mr. Galletely moved to refer the same to a select committee with instructions so to amend it as to make its provisions consistent with the act of last session, providing means for the construction of the Wabash and Erie canal;

Which motion was decided in the negative.

The question being then put, "Shall the memorial be read a third time to-morrow?"

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Bence, Bentley, Bussell, Casey, Coffin, Craig, Crume, Dowden, Hall, Hamilton, Hankins, Herod, Hoover, Lane, Levenworth, Logan, Lowry, Lynd, M'Pheeters, Paddacks, Parks, Pitcher, Pollock, Roe, Schoonover, Smiley, Soper, Work, Wright, Zenor and Howk, Speaker—32.

And those who voted in the negative, are,

Messrs. Beard, Bell, Boon, Brown, Claypool, Decker, Dumont, Elliott, Ferris, Finley, Galletely, Gardner, Hendricks, Hillis, Holman, Kinney, Long, M'Nary, Owens, Read of D. and M., Reid of F., Reiley, Russell, Semans, Skeen, Stewart, Wallace of F., Wallace of J. and Worth—29.

And so it was

Ordered, That said memorial be read a third time to-morrow.

Engrossed bills of the Senate, entitled,

An act to change part of the state road from the state line in the direction of Vandalia in the state of Illinois, by way of the points therein named, to Greensburgh in Decatur county, and

An act for the relief of Jesse O'Niel,

Were severally read the second time and ordered to be read a third time to-morrow.

Engrossed bills of the House of the following titles, to-wit:

The bill concerning the corporation of the town of Lawrenceburgh,

The bill concerning the town of Crawfordsville, and

The bill supplementary to an act entitled "An act to incorporate a company to make a turnpike road from New Albany in Floyd county, to Vincennes in Knox county," approved January 29, 1830,

Were severally read the third time and passed.

Ordered, That the same be entitled acts and that the clerk carry them to the Senate and ask their concurrence.

The engrossed memorial from the Senate to the Congress of the United States, soliciting an alteration in the compact of 1816, by which lands sold by the United States are not liable to taxation for 5 years from and after the day of sale,

Was read the third time, when

Mr. Craig moved to re-commit the same to a select committee with instructions so to amend it, as that no land sold for taxes under this joint resolution be forfeited for non-payment of taxes under five years;

Which motion was decided in the negative.

The question being then put, 'Shall the memorial pass?' and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Bence, Bentley, Boon, Brown, Casey, Coffin, Crume, Decker, Dowden, Ferris, Finley, Galletely, Hall, Hamilton, Hankins, Herod, Hillis, Hoover, Lane, Ley-

enworth, Logan, Lowry, Lynd, McPheeters, Owens, Pad-
dacks, Parks, Pollock, Reid of F., Reiley, Roe, Schoonover,
Skeen, Soper, Stewart, Wallace of F., Wallace of J., Work,
Wright, Zenor and Howk, Speaker—42.

And those who voted in the negative, are,

Messrs. Beard, Bell, Bussell, Claypool, Craig, Dumont,
Elliott, Gardner, Hendricks, Holman, Kinney, Long, M'Nary,
Pitcher, Read of D. and M., Russell, Semans, Smiley, and
Worth—19.

And so said memorial passed.

Ordered, That the clerk inform the Senate thereof, and ask
their concurrence in the amendment.

The engrossed bill from the Senate to re-locate part of the
state road leading from the Jeffersonville state road, on the west
side of Silver creek, to the lower falls of Drift-wood fork of
White river,

Was read the third time and passed.

Ordered, That the clerk inform the Senate thereof.

The engrossed bill from the Senate to regulate marriages was
read the third time and amended by unanimous consent.

Mr. Ferris moved to re-commit the bill to a select committee
with instructions so to amend it that where the parties to be
married are of full age, no license shall be necessary;

Which motion was decided in the negative.

Mr. Wallace of J. moved to re-commit the bill to a select
committee with instructions to amend it by striking out so
much of the 7th section as requires an affidavit that one of the
parties usually lives in the county where the license is to be ob-
tained;

Which motion was decided in the negative:

And the question being put, "Shall the bill pass?"

It was carried in the affirmative.

Ordered, That the clerk inform the Senate thereof, and ask
their concurrence in the amendments.

The engrossed bill from the Senate to provide for the re-lo-
cation of the seat of justice of Fountain county,

Was read the third time, when

Mr. Beard moved to refer it to a select committee;

Which passed in the affirmative.

Ordered, That Messrs. Beard, Claypool and Gardner be that
committee.

On motion of Mr. Russell,

The orders of the day were for the present postponed, and the engrossed joint resolution for the relief of Robert Patterson, heretofore laid on the table, was taken up:

The question recurring on the motion of Mr. Boon to re-commit the same to a select committee with instructions, depending when the joint resolution was last under consideration;

It was decided in the negative, and

The question being put, "Shall the joint resolution pass?"

It was carried in the affirmative.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence.

On motion of Mr. Holman,

The message of the Senate relating among other things, to their engrossed bill to re-locate the county seat of St. Joseph county, heretofore laid on the table, was taken up, when

The House disagreed to the 3d amendment proposed by the Senate to said bill.

Ordered, That the clerk inform the Senate thereof, and of the agreement of the House to the two first amendments made by them to said bill.

The House resolved itself into a committee of the whole on the bill making further provisions for final settlements with road commissioners; and after some time spent therein, the speaker resumed the chair and Mr. Zenor reported the same without amendment.

The said bill was then ordered to be engrossed and read a third time to-morrow.

A message from the Senate by Mr. Morris, their assistant secretary:

Mr. Speaker—

The Senate have passed bills of the Senate entitled,

"An act to facilitate the opening of the Cumberland road and to preserve the same from being obstructed or injured;" and

"An act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses or masonic lodges;"

In which the concurrence of the House of Representatives is requested.

The above named bills were severally twice read, (the rules of the House having first been dispensed with) and ordered to be read a third time to-morrow.

The House resolved itself into a committee of the whole on the engrossed bill from the Senate relating to county seminaries; and after some time spent therein, the speaker resumed the chair, and Mr. Stewart reported the same with sundry amendments;

Which were read and concurred in generally.

Ordered, That said amendments be engrossed and the bill read a third time to-morrow.

Mr. Elliott from the joint committee on enrolled bills, reported,

That they did, on this day, present to the Governor for his approval and signature, the following enrolled bills, joint resolutions and joint memorial, as follows, to wit:

An act to incorporate the Madison insurance company.

An act relative to the Borough of Vincennes.

An act legalising the proceedings of certain trustees therein named.

A joint resolution respecting the printing of a certain act therein named.

A memorial and joint resolution for the relief of John Kimberlin.

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment,

And resolved itself into a committee of the whole on the engrossed bill from the Senate for the relief of insolvent debtors, and after some time spent therein, the speaker resumed the chair, and Mr. Hendricks reported the same with one amendment;

Which was read and concurred in.

Ordered, That said amendment be engrossed and the bill read a third time to-morrow.

The House resolved itself into a committee of the whole on the joint resolution relative to a sale of the Governor's circle; and after some time spent therein the speaker resumed the chair, and Mr. Roe reported the same with sundry amendments;

Which were read and concurred in; and then,

On motion of Mr. Wallace of J.,

The said joint resolution was re-committed to a select committee with instructions so to amend it as to provide for making sufficient repairs to the Governor's house, and for nothing more.

Ordered, That Messrs. Wallace of J., Kinney and Finley be that committee.

A message from the Senate by Mr. Morris their assistant secretary:

Mr. Speaker,

The Senate concur in the 1st, 2d, 3d, 6th, 7th, 8th, 9th, 10th and 11th amendments made by the House of Representatives, to the bill of the Senate, entitled,

"An act regulating the jurisdiction and duties of justices of the peace; and disagree to the 4th and 5th amendments to said bill.

They have passed a joint resolution on the subject of an interchange of laws with other states.

An act to incorporate the first school society in district number 3, in township, 13, range 13, in Fayette county.

A joint resolution to ascertain the number of paupers and insane persons who are a county charge in this state.

An act to establish a state road from Rome in the county of Perry, to Petersburg in the county of Pike, and for other purposes.

An act to re-establish a part of the state road from Greencastle in Putnam county, *via* Rockville and Beard's mills in Parke county, Newport and Springfield in Vermillion county, to the state line in the direction of Springfield in Illinois.

They have passed bills of the House of Representatives, entitled,

An act to re-locate part of a state road leading from Fort Wayne in Allen county, in the direction to Fort Defiance in the state of Ohio.

An act re-locating part of the Greensburgh and Clinton state road; and

An act to provide for the partition of real estate—the three last named bills with amendments; in which, and the passage of the preceding, the concurrence of the House of Representatives is requested.

The House insisted on the 4th and 5th amendments proposed by them to the bill of the Senate first named in said message.

Ordered, That the clerk inform the Senate thereof.

The engrossed joint resolutions and the engrossed bills of the Senate secondly and fifthly in said message named,

Were severally read the first time and passed to a second reading.

The bill of the Senate fourthly in said message named,

Was twice read (the rules of the House having first been dispensed with) and ordered to be read a third time to-morrow.

The amendments proposed by the Senate to the several bills of the House therein named,

Were read and agreed to.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Morris their assistant secretary:

Mr. Speaker—

The Senate have passed an engrossed bill of the House of Representatives, entitled,

An act regulating the fees of the several officers and persons therein named, with sundry amendments; in which the concurrence of the House of Representatives is requested.

The 1st, 2d, 4th, 7th, 8th, 9th, 10th, 11th, 14th, 16th, 17th, 18th, 19th, 20th and 21st amendments, and the second branch of the 15th amendment proposed by the Senate to the above named bill of the House, were read and agreed to.

The first branch of said last named amendment, which provides that the salary of the Governor shall be \$1300 in full for all his services as Governor, and for house rent and all expenditures and charges whatever, was read; and

On motion of Mr. Ferris,

Was amended by striking out "\$1300," and inserting "\$1200" in lieu thereof, and by striking out the words, "and all expenditures and charges whatever;" and then

The said last named branch of said amendment as amended, was agreed to.

The 3d, 5th, 6th, 12th and 13th amendments, and the third and fourth branches of the 15th amendment aforesaid,

Were read and disagreed to.

Ordered, That the clerk inform the Senate thereof.

A motion was made by Mr. Ferris, to re-consider the vote taken on agreeing to the 2d branch of the 15th amendment above named;

Which was decided in the negative.

And then the House adjourned until to-morrow morning nine o'clock.

THURSDAY MORNING, JANUARY 27, 1831.

The House met pursuant to adjournment,

Mr. Worth from the joint committee on enrolled bills reported,

That they had compared the enrolled with the engrossed bills, and a preamble and joint resolution entitled,

An act regulating the practice in suits at law,

An act supplemental to an act entitled, "An act relative to foreign attachments, approved January 20, 1831.

A preamble and joint resolution of the General Assembly of the state of Indiana; and found the same truly enrolled;

When the Speaker signed said bills and joint resolution.

Ordered, That the clerk carry them to the Senate for the signature of their president.

Mr. Galletely presented a petition of sundry citizens of Green county, praying an act to legalize certain proceedings of the trustees of the Green county library;

Which was read and referred to the committee on education.

Mr. Galletely presented a petition of Stephen Barnes, praying authority to erect a mill dam, partly across the west fork of White river;

Which was read and referred to the committee on the judiciary.

Mr. Beard from the select committee to which was referred the engrossed bill from the Senate, to re-locate the county seat of Fountain county, reported the same with one amendment;

Which was read and concurred in; and

On motion of Mr. Claypool,

The said amendment was considered as engrossed, (the rules of the House were dispensed with) and the bill was read the third time and passed.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence in the amendment.

Mr. Pollock from the committee on roads, to which was referred the petition of James Smallwood and others, praying a state road from Rushville through Marion, to intersect the Michigan road in a direction to Indianapolis; and the remonstrance of Nathan Johnson and others, against the same, reported that they have had the subject under their consideration, and are of opinion that it is inexpedient to legislate thereon at this time;

Which was read and concurred in.

Mr. Russell from the select committee to which was referred the petition of Samuel McClaine and others, reported a bill for the relief of John M. Coonfield;

Which was read the first time and passed to a second reading.

Mr. Wallace of J., from the select committee to which was re-committed the joint resolution relative to the sale of the Governor's house, reported the same with one amendment;

Which was read and concurred in.

The said joint resolution was then ordered to be engrossed and read a third time to-morrow.

Mr. Owens from the minority of the select committee to which was referred the petition of sundry citizens of Washington county, praying a repeal of the law prohibiting secular employments on the first day of the week, commonly called Sunday, after having obtained leave, made a counter report, favorable to the prayer of the petitioners, accompanied by the following resolution:

Resolved, That the judiciary committee be instructed to enquire into the constitutionality of so much of the 57th section of the act relative to crime and punishment, approved January 20, 1824, as prohibits the citizens of this state, from shooting, hunting, fishing, and common labor, on the first day of the week, commonly called *Sunday*, and subjects them to a pecuniary penalty for so doing, together with the proviso thereto; and that they report to this House by bill or otherwise:

Which were read, when

Mr. Boon moved to lay said report and resolution on the table;

Which motion was carried in the affirmative.

Mr. Ferris moved to exclude said report from the journal, and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Beard, Bell, Bence, Bentley, Bussell, Claypool, Coffin, Craig, Dowden, Dumont, Ferris, Gardner, Hendricks, Herod, Kinney, Lane, Levenworth, Logan, Lowry, Lynd, M'Nary, M'Pheeters, Paddacks, Pitcher, Pollock, Reid of F., Schoonover, Semans, Skeen, Smiley, Wallace of F., Wallace of J., Work, Worth, Wright and Zenor—37.

And those who voted in the negative, are,

Messrs. Boon, Brown, Casey, Crume, Decker, Elliott, Finley, Galletely, Hall, Hamilton, Hankins, Hillis, Holman, Hoover, Owens, Parks, Roe, Russell, Soper, Stewart, and Howk, Speaker—21.

And so it was *ordered*, that said report be excluded from the journals.

Mr. Gardner moved the following resolution:

Resolved, That the secretary of state be required to furnish the public printer on the day previous to that on which the adjournment of the legislature shall have been agreed upon, with a list of the acts and joint resolutions of the General Assembly, passed at the present session, and that the public printer be required to print one thousand copies of such list for the use of the members.

Mr. Bussell moved to amend said resolution so as to direct the printing of 2000 copies instead of 1000;

Which motion was decided in the negative.

The question then recurring on the adoption of said resolution;

It was carried in the affirmative.

Mr. Hall after having obtained leave, presented a bill establishing certain state roads therein named and for other purposes;

Which was read twice (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time to-morrow.

The House then proceeded to consider the orders of the day;
The bill legalizing the proceedings of the board of justices of St. Joseph county; and

The joint resolution on the subject of the revised laws,

Were severally read the second time and ordered to be engrossed and read a third time to-morrow.

The bill giving mechanics a lien on buildings,

Was read the second time, when

Mr. Crume moved that the further consideration thereof be indefinitely postponed; and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Bell, Brown, Craig, Crume, Ferris, Hankins, Hendricks, Herod, Holman, Long, Lowry, Paddack, Pollock, Semans, Smiley and Zenor—18.

And those who voted in the negative are,

Messrs. Beard, Bentley, Boon, Casey, Claypool, Decker, Dumont, Elliott, Finley, Galletely, Gardner, Hall, Hamilton, Hillis, Hoover, Kinney, Lane, Levenworth, M'Nary, M'Pheeters, Owens, Parks, Pitcher, Read of D. and M., Reid of F., Reiley, Roe, Russell, Schoonover, Skeen, Soper, Stewart, Wallace of F., Wallace of J., Worth, Wright, and Howk, Speaker—37.

And so said motion was decided in the negative.

It was then,

On motion of Mr. Crume,

Ordered, That said bill be committed to a committee of the whole House for to-morrow.

The engrossed joint resolution from the Senate to ascertain the number of paupers and insane persons who are a county charge in this state, was read the second time.

Mr. Boon moved to amend the same, so as to authorise the return to be made either to the Senator or Representative of the district;

Which motion passed in the affirmative.

On motion of Mr. Wallace of J.,

The joint resolution was amended by excepting Jefferson county from its provisions.

On motion of Mr. Hoover,

It was further amended by excepting Wayne county,

On motion of Mr. Zenor,

It was further amended by excepting Harrison county.

On motion of Mr. McPheeters,

It was further amended by excepting Washington county.

On motion of Mr. Bence,

Floyd county was also excepted; when,

Mr. Boon moved to postpone the further consideration thereof, indefinitely;

Which passed in the affirmative.

Engrossed bills and a joint resolution of the Senate, of the following titles:

The bill to incorporate the first school society in district No. 3, in town 13, range 13, in Fayette county;

The joint resolution on the subject of an interchange of laws with other states; and

The bill to re-establish a part of the state road from Greencastle in Putnam county, by way of Rockville and Baird's mills in Parke county, Newport and Springfield in Vermillion county.

ty, to the state line in a direction to Springfield in Illinois;

Were severally read the second time and passed to a third reading on to-morrow.

The engrossed bill of the House making provisions for final settlements with road commissioners,

Was read the third time and passed.

Ordered, That the same be entitled an act, and that the clerk carry it to the Senate and ask their concurrence;

And then the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

Engrossed bills of the Senate of the following titles, to-wit:

An act for the relief of insolvent debtors,

An act relating to county seminaries,

An act to change part of the state road from the state line in a direction to Vandalia, in the state of Illinois, by way of the points therein named, to Greensburgh in Decatur county,

An act for the relief of Jesse O'Niel,

An act to facilitate the opening of the Cumberland road, and preserve the same from being obstructed or injured, and

An act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses, or masonic lodges;

Were severally read the third time and passed.

Ordered, That the clerk inform the Senate thereof and ask their concurrence in the amendments to the first and second above named bills.

The engrossed bill of the Senate to establish a state road from Rome, in the county of Perry, to Petersburg, in the county of Pike, and for other purposes,

Was read the third time, and

The question being put, "Shall the bill pass?" and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Beard, Bell, Bence, Bentley, Boon, Brown, Casey, Claypool, Coffin, Craig, Crume, Decker, Ferris, Galletely, Gardner, Hall, Hankins, Herod, Hillis, Holman, Hoover, Kinney, Lane, Logan, Lowry, Lynd, McNary, McPheeters, Owens, Paddacks, Parks, Pitcher, Pollock, Read of D. and M., Reid of F., Reiley, Roe, Russell, Schoonover, Semans, Skeen, Smiley, Soper, Stewart, Wallace of F., Wallace of J., Work, Worth, Wright, Zenor and Howk, Speaker—52.

And those who voted in the negative, are,

Messrs. Elliott, Hamilton, Hendricks, and Levenworth—4.

And so said bill passed.

Ordered, That the clerk inform the Senate thereof.

The engrossed memorial from the Senate on the subject of the Wabash and Erie canal, was read the third time, and

On motion of Mr. Kinney,

Ordered, That it do lie on the table.

On motion of Mr. Kinney,

The vote taken on the 24th instant, on the passage of the engrossed bill of the House to provide for the commencement of a state house, was re-considered, and

The question re-curring, and being again put,

“Shall the bill pass?” and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Beard, Bell, Bence, Bussell, Casey, Claypool, Coffin, Crume, Dumont, Elliott, Galletely, Gardner, Hall, Herod, Hillis, Holman, Hoover, Kinney, Lane, Logan, Lynd, M’Nary, M’Pheeters, Owens, Pitcher, Reid of F., Reiley, Roe, Russell, Schoonover, Semans, Smiley, Stewart, Wallace of F., Wallace of J., Work, Worth, Zenor, and Howk, Speaker—39.

And those who voted in the negative, are,

Messrs. Armstrong, Bentley, Boon, Brown, Craig, Decker, Dowden, Ferris, Finley, Hamilton, Hankins, Hendricks, Levenworth, Long, Lowry, Paddacks, Parks, Read of D. and M., Skeen, Soper and Wright—21.

And so said bill passed.

Ordered, That the same be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

Mr. Long made the following report:

Mr. Speaker—

The committee of free conference appointed to take into consideration, the disagreement between the two Houses on the amendment of the House to the engrossed bill of the Senate, for the apportionment of Senators and Representatives in the General Assembly of this state, have had the same under consideration, and have agreed to the amendment made by the House to said bill, modified as follows:

An act for the appointment of Senators and Representatives in the General Assembly of this state:

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That for the purpose of electing senators to the General Assembly of this state for the ensuing five years, the state shall be, and is hereby, divided into the following districts; to-wit:

The counties of Wayne, Dearborn, Washington, Harrison, Jefferson, Rusn, Putnam and Franklin, one district each;

The counties of Switzerland and Ripley, one district:

The counties of Decatur and Shelby, one district;

The counties of Bartholomew and Johnston, one district;

The counties of Fayette and Union, one district:

The counties of Clark and Floyd, one district;

The counties of Orange and Lawrence, one district;

The counties of Parke and Vermillion, one district;

The counties of Montgomery and Clinton, one district;

The counties of Henry, Madison and Hancock, one district;

The counties of Jennings, Jackson and Scott, one district;

The counties of Morgan, Hendricks and Boon, one district;

The counties of Vigo, Sullivan and Clay, one district;

The counties of Monroe, Owen and Green, one district;

The counties of Knox, Daviess and Martin, one district;

The counties of Gibson, Pike and Dubois, one district;

The counties of Posey, Vanderburgh and Warrick, one dist.

The counties of Spencer, Crawford and Perry, one district;

The counties of Marion, Hamilton, and all the territory north to the great Miami reservation, one district;

The counties of Fountain, Warren, and all the territory north of Warren, to the line dividing townships number twenty-five and twenty-six, one district;

The counties of Tippecanoe, Carroll, Cass, and all the territory west of Carroll and Cass, and not attached to the counties of Fountain and Warren, one district;

The counties of Randolph, Delaware, Allen, St. Joseph, Elkhart, and all the territory not otherwise attached, one district; and each of the said districts shall be entitled to elect one senator.

Sec. 2. That for the purpose of electing representatives to the General Assembly, the several counties shall be entitled for the ensuing five years, to elect members as follows, to-wit:

The counties of Wayne and Dearborn, three each;

The counties of Washington, Jefferson, Harrison, Rush, Putnam, Tippecanoe, Parke, Vermillion, Franklin and Clarke, two each;

The counties of Posey, Gibson, Crawford, Monroe, Green, Owen, Sullivan, Switzerland, Ripley, Jennings, Jackson, Scott

Johnston, Bartholomew, Floyd, Morgan, Hendricks, Shelby, Decatur, Henry and Marion, one each;

The counties of Vanderburgh and Warrick, one:

The counties of Perry and Spencer, one;

The counties of Pike and Dubois, one;

The counties of Madison and Hancock, one;

The counties of Randolph and Delaware, one;

The counties of Fayette and Union, one each, and one additional member to be elected alternately by one of said counties, commencing with the county of Fayette;

The counties of Orange and Lawrence, one each, and one additional member to be elected alternately by one of said counties, commencing with the county of Lawrence;

The county of Knox, two; and

The counties of Daviess and Martin, one the first year, and

The counties of Knox, Daviess and Martin, one each the second year, and so on alternately.

The county of Vigo one, and the county of Clay, one the first year, and two to be elected jointly by both counties the second year, and so on alternately.

The counties of Montgomery and Clinton, two; to be elected jointly the first year, and each county one the second year, and so on alternately.

The county of Fountain, two the first year, and one the second year, and so on alternately.

The county of Warren, and all the territory north to the line dividing townships twenty-five and twenty-six, one.

The counties of Hamilton, Boon, and all the territory north to the great Miami reservation, one.

The counties of Carroll, Cass, and all the territory west to the state line, and not attached to Warren, one.

The counties of Allen, St. Joseph, Elkhart, and all the territory not otherwise attached, one.

This act to take effect and be in force from and after its publication.

And the question being put on concurring in said report, and The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Beard, Bell, Boon, Casey, Craig, Decker, Dowden, Ferris, Galletely, Gardner, Hall, Hendricks, Kinney, Lane, Levenworth, Long, Lowry, McNary, Owens, Pollock, Read of D. and M., Reiley, Russell, Skeen, Smiley, Soper, Stewart and Worth—29.

And those who voted in the negative, are,

Messrs. Bence, Bentley, Brown, Bussell, Claypool, Coffin, Crume, Dumont, Elliott, Finley, Hamilton, Hankins, Herod, Hillis, Holman, Hoover, Logan, Lynd, McPheeters, Paddacks, Parks, Pitcher, Reid of F., Roe, Schoonover, Semans, Wallace of F., Wallace of J., Work, Wright, Zenor and Howk, Speaker—32.

And so the House refused to concur in said report.

Ordered, That the clerk inform the Senate thereof.

Mr. Coffin then moved that the House recede from the said amendment proposed by them to the bill of the Senate, last aforesaid; and

The ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Beard, Bell, Bence, Boon, Brown, Bussell, Casey, Claypool, Coffin, Crume, Decker, Elliott, Finley, Gardner, Hall, Hamilton, Hankins, Hendricks, Herod, Holman, Hoover, Lane, Levenworth, Long, Lowry, Lynd, McNary, Parks, Pitcher, Reid of F., Russell, Semans, Smiley, Soper, Stewart, Wallace of F., Wallace of J., Worth and Wright—39.

And those who voted in the negative, are,

Messrs. Armstrong, Bentley, Craig, Dowden, Dumont, Ferris, Galletely, Hillis, Kinney, Logan, McPheeters, Owens, Paddacks, Pollock, Read of D. and M., Reily, Roe, Schoonover, Skeen, Work, Zenor and Howk, Speaker—22.

And so the House receded from their said amendment.

Ordered, That the clerk inform the Senate thereof.

On motion of Mr. Worth,

The engrossed bill of the Senate for the relief of the superintendant of the state prison, heretofore laid on the table, was taken up, read the third time, and passed.

Ordered, That the clerk inform the Senate thereof.

And then the House adjourned until to-morrow morning, 9 o'clock.

FRIDAY MORNING, JANUARY 28, 1831.

The House met pursuant to adjournment.

Mr. Decker moved to reconsider the vote taken yesterday on receding from the amendment made by the House to the en-

grossed bill of the Senate, for the apportionment of Senators and Representatives in the General Assembly of this state;

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Bentley, Craig, Decker, Dowden, Dumont, Ferris, Galletely, Hillis, Owens, Paddacks, Pollock, Read of D. and M., Reiley, Roe, Skeen and Hawk, Speaker—17.

And those who voted in the negative, are,

Messrs. Beard, Bell, Bence, Boon, Brown, Bussell, Casey, Claypool, Coffin, Crume, Elliott, Finley, Gardner, Hall, Hamilton, Hankins, Hendricks, Herod, Holman, Hoover, Kinney, Lane, Levenworth, Logan, Long, Lowry, Lynd, M'Nary, McPheeters, Parks, Pitcher, Reid of F., Russell, Schoonover, Semans, Smiley, Soper, Stewart, Wallace of F., Wallace of J., Work, Worth, Wright and Zenor—44.

And so said motion was decided in the negative.

Mr. Pollock from the committee on roads to which was referred the petition of Richard Meek and others praying an appropriations of money out of the three per cent. fund, on the state road leading from Crawfordsville to Covington, reported unfavorably to the prayer of the petitioners;

Which was read, and

On motion of Mr. Claypool,

Ordered, That it do lie on the table.

Mr. Hendricks from the select committee to which sundry petitions on that subject were referred, reported a bill to establish a state road from Jehu Perkins' in Rush county, to Napoleon in Ripley county;

Which was twice read (the rules of the House having first been dispensed with) and ordered to lie on the table.

On motion of Mr. McPheeters,

The vote heretofore taken on engrossing the bill for the formation of a new county north of the county of Madison, was re-considered.

Mr. Semans then moved that said bill be committed to a select committee with instructions to amend the same by extending the bounds of the county so as to include 400 square miles;

Which passed in the affirmative.

Ordered, That Messrs. Semans, Holman and Wallace of J. be that committee.

A Message from the Senate by Mr. Morris, their assistant secretary:

Mr. Speaker—

The Senate insist on their disagreement to the 4th and 5th amendments proposed by the House of Representatives to the engrossed bill of the Senate, entitled "an act regulating the jurisdiction and duties of justices of the peace;" and have appointed Messrs. Graham and Whitcomb a committee of free conference, to take into consideration, with a similar committee to be appointed on the part of the House of Representatives, the disagreeing votes of the two Houses, in reference to said amendments, and request the appointment of a similar committee on the part of the House of Representatives.

The Senate concur in the amendments proposed by the House of Representatives to the memorial of General Assembly of the state of Indiana to the Congress of the United States, soliciting an alteration in the compact of 1816, by which lands sold by the United States are not liable to taxation for 5 years from and after the day of sale.

They also concur in the amendment proposed by the House of Representatives to the engrossed bill of the Senate, entitled, "An act to provide for the re-location of the seat of justice of Fountain county.

They have passed the following bills of the House of Representatives, entitled,

An act supplemental to an act entitled, "An act providing means for the construction of the Wabash and Erie Canal."

An act to locate a state road from Connersville to Centreville by the way of Goodlander's mill.

An act concerning the script to be granted to the Michigan road contractors and for other purposes—all with amendments.

They recede from their 3d amendment to the engrossed bill of the House of Representatives, entitled, "An act to re-locate the county seat of St. Joseph county."

They disagree to the amendment proposed by the House of Representative the engrossed bill of the Senate, entitled,

An act to regulate marriages.

They disagree to the 1st and 2d amendments proposed by the House of Representatives to the engrossed bill of the senate entitled,

An act to provide for the re-location of the state road from Bono to Terra-Haute; but concur in the 3d, 4th and 5th amendments to said bill.

On motion of Mr. Boon;

Ordered, That a committee of free conference be appointed on the part of the House, to take into consideration, with the above named committee, on the part of the Senate, the subject matter of the disagreeing votes of the two Houses, on the 4th and 5th amendments proposed by the House to the above named engrossed bill of the Senate, regulating the jurisdiction and duties of justices of the peace.

Whereupon,

Messrs. Boon and Kinney were appointed that committee.

The house agreed to the several amendments proposed by the Senate to the bill of the house secondly in said message named, and to the first amendment to the bill of the house thirdly therein named.

Ordered, That the clerk inform the Senate thereof.

Before the question was put on concurring in the 2d amendment made by the Senate to the last named bill, it was,

On motion of Mr. Wallace of J.,

Ordered, That the bill and proposed amendments be laid on the table.

The amendment proposed by the Senate, to the bill of the House first in said message named, was read, when

Mr. Kinney moved to lay the bill and proposed amendment on the table.

Which passed in the affirmative.

On motion of Mr. McPheeters,

The House receded from their amendment to the bill of the Senate to regulate marriages, above named.

Ordered, That the clerk inform the Senate.

The House then proceeded to consider the engrossed bill of the Senate last named in said message, and before the subject of the disagreement of the Senate to the first and second amendments of the House to said bill, was acted on, it was

Ordered, That said bill be laid on the table.

The House then proceeded to consider the orders of the day:

The bill for the relief of John M. Coonfield,

Was read the second time and ordered to be engrossed and read a third time to-morrow.

Engrossed bills and joint resolutions of the House of the following titles, to-wit:

The bill establishing certain state roads therein named, and for other purposes,

The joint resolution on the subject of the revised laws,

The bill legalizing the proceedings of the board of justices of St. Joseph county; and

The joint resolution of the General Assembly,

Were severally read the third time and passed; (the one first named having been amended by unanimous consent.)

Ordered, That said bills be entitled acts, and that the clerk carry them, together with said joint resolutions to the Senate and ask their concurrence.

The engrossed bill of the Senate to incorporate the first school society in district No. 3, in township 13, range 13, in Fayette county,

Was read the third time and laid on the table.

The engrossed joint resolution of the Senate on the subject of an interchange of laws with other states, and

The engrossed bill from the Senate to re-establish a part of the state road from Greencastle in Putnam county, by way of Rockville and Baird's mills in Parke county, and Newport and Springfield in Vermillion county, to the state line in the direction to Springfield in the state of Illinois,

Were severally read the third time and passed.

Ordered, That the clerk inform the Senate thereof.

The House resolved itself into a committee of the whole on the bill giving mechanicks a lien on buildings; and after some time spent therein, the speaker resumed the chair, and Mr. Hoover reported the same with one amendment, to-wit: By striking out the 1st section thereof which reads in the words following, to-wit:

"Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That when any contract shall hereafter be made between the proprietor or proprietors of any tract of land or town lot, on the one part, and any person or persons on the other part, for building, erecting, or repairing any house, or other building, mill, or machinery of any description whatever: or for furnishing labor or work, or providing materials for the purposes aforeisaid, or any or either of them, the person or persons who shall, in pursuance of such contract, furnish labor, perform work, or provide materials for such purpose, shall, respectively, have a lien to secure the payment of the same, upon such house, mill, machinery, or other building, and on the lot or tract of land on which the same shall stand or be erected: Provided, That no such lien shall continue in force for more than three months from the time when payment should have been made, in virtue of any such contract, by which such lien shall be claimed; unless within that time, a suit shall have been commenced for the purpose of enforcing such contract."

The question being then put on concurring in said amendment, and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Beard, Bell, Bence, Brown, Bussell, Claypool, Coffin, Craig, Crume, Dowden, Ferris, Hamilton, Hankins, Hendricks, Herod, Holman, Logan, Long, Lowry, Lynd, M'Pheeters, Owens, Paddacks, Parks, Pitcher, Russell, Schoonover, Semans, Skeen, Smiley, Wallace of F., Work, Worth and Zenor—35.

And those who voted in the negative, are,

Messrs. Bentley, Boon, Casey, Decker, Dumont, Elliott, Finley, Galletely, Gardner, Hall, Hillis, Hoover, Kinney, Lane, Levenworth, Read of D. and M., Reid of F., Reiley, Roe, Soper, Stewart, Wallace of J., Wright and Howk, Speaker—24.

And so the house refused to concur in said amendment; and

On motion of Mr. Read of D. and M.,

The further consideration of said bill was indefinitely postponed.

Mr. Elliott from the joint committee on enrolled bills, reported,

That they did on this day present to the Governor for his approval and signature the following enrolled bills entitled acts, to-wit:

An act to continue in force an act for the benefit of persons who have suffered, or who are likely to suffer by the destruction of the records of Dearborn county, which were consumed by fire in the court house at Lawrenceburgh, on the morning of the 6th of March 1826, approved January 11, 1827,

An act to regulate descents, distribution and dower.

An act to regulate the mode of summoning and empannelling grand and petit jurors.

An act to repeal an act therein named.

An act to legalize the sale of the school land in the county of Madison.

A preamble and joint resolution of the General Assembly of the state of Indiana.

An act supplemental to an act entitled, "An act relative to foreign attachments, approved January 20, 1831.

An act regulating the practice in suits at law,

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Elliott presented a communication of Samuel Hanna, tendering his resignation as commissioner of the Michigan road.

On motion of Mr. Wallace of J.,

The engrossed bill of the house concerning the scrip to be granted to the Michigan road contractors and for other purposes, laid on the table this day, was taken up, and

The second amendment proposed thereto by the Senate, being under consideration, the same was,

On motion of Mr. Wallace of J.,

Amended by the house and agreed to as amended.

Ordered, That the Senate be informed thereof, and their concurrence in the said amendments of the house requested.

A message from the Senate by Mr. Morris, their assistant marked secretary:

Mr. Speaker—

The Senate insist on their third amendment to the engrossed bill of the House of Representatives entitled,

An act regulating the fees of the several officers and persons therein named;—and also, on that part of their 15th amendment to said bill, which consists in the insertion of sections 7 and 8.

They concur in the amendment proposed by the house of Representatives, to that part of the 15th amendment of the Senate which relates to the salary of the Governor; and they recede from their 5th, 6th, 12th and 13th amendments to said bill, to which the house disagreed.

The Senate disagree to the 1st amendment proposed by the House of Representatives, to the engrossed bill from the Senate, entitled,

An act regulating county seminaries.

They concur in the 2d amendment of the house to said bill; and also in the 3d amendment, *with an amendment.*

They disagree to the amendment proposed by the house, to the engrossed bill of the Senate, entitled,

An act for the relief of insolvent debtors.

They have passed an engrossed bill of the House of Representatives, entitled,

An act providing for opening that part of the Michigan road between Logansport in Cass county, and the county seat of St. Joseph county, at or near the southern bend of the St. Joseph river—with amendments.—Also

An act making general appropriations for the year 1831.

An act regulating the interest of money in the state of Indiana—both with amendments.—Also

An act to dissolve the bands of matrimony between Daniel Build, her, back and Abigail his wife—without amendment.

And in the amendments to the preceding bills, they ask the concurrence of the *House of Representatives*.

The House then receded from their disagreement to the 3d amendment, and to that part of the 15th amendment, which consists in the insertion of sections 7 and 8, proposed by the Senate to the first above named bill of the house.

Mr. Herod moved that the house insist on their first amendment to the engrossed bill of the Senate, first in said message named, to which the Senate disagreed;

Which motion was decided in the negative; and then,

On motion of Mr. Reid of F.,

The house did recede from said amendment.

The amendment proposed by the Senate to the 3d amendment of the house to said last named bill, was read and concurred in.

Mr. Bussell moved that the house do insist on the amendment proposed by them to the bill of the Senate secondly in said message named, to which the Senate disagreed;

Which motion was decided in the negative.

Mr. Logan then moved that the house recede therefrom;

Which motion passed in the affirmative.

The several amendments proposed by the Senate to the bill of the house, secondly in said message named,

Were read and agreed to.

The amendment proposed by the Senate to the bill of the house thirdly in said message named, which is, by striking out of the 1st section thereof, the words "\$150," (Adjutant and Quarter Master General's salary) and inserting in lieu thereof, "\$200," was read, and

The ayes and noes being demanded by two members, on the question to concur therein,

Those who voted in the affirmative, are,

Messrs. Coffin, Crume, Hall, Hamilton, Hillis, Holman, Kinney, Lane, Logan, Lynd, Reid of F., Russell, Skeen, Wallace of F., Wallace of J. and Howk, Speaker—16.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bell, Bence, Bentley, Boon.

Brown, Bussell, Casey, Claypool, Decker, Elliott, Ferris, Galletely, Gardner, Hankins, Hendricks, Herod, Hoover, Levenworth, Long, Lowry, McNary, McPheeters, Owens, Paddacks, Parks, Pitcher, Pollock, Read of D. and M., Reily, Roe, Schoonover, Semans, Smiley, Soper, Stewart, Work, Worth, Wright and Zenor—41.

And so the House disagreed to said amendment.

The amendment proposed by the Senate to the bill of the House 4thly in said message named, was read and agreed to.

Ordered, That the clerk inform the Senate thereof.

Mr. McPheeters moved that the engrossed memorial from the Senate, on the subject of the Wabash and Erie canal, heretofore laid on the table, be taken up;

Which motion was decided in the negative.

Mr. Worth, after having obtained leave, presented a bill legalizing the proceedings of the board of county commissioners of Hendricks county;

Which was three times read, (the rules of the house having first been dispensed with) and passed.

Ordered, That the same be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

A message was received from the Governor by Mr. Heylin his private secretary, notifying—

That he did, on this day, approve and sign the following acts, to-wit:

An act legalising the proceedings of certain trustees therein named.

An act relative to the Borough of Vincennes.—Also,

A memorial and joint resolution for the relief of John Kimberlin.

All of which have been filed in the office of Secretary of State.

And then the House adjourned until to-morrow morning nine o'clock.

SATURDAY MORNING, JANUARY 29, 1831.

The House met pursuant to adjournment.

Mr. Worth from the joint committee on enrolled bills, reported,

That they had compared the enrolled with the engrossed

bills, joint resolution, and memorial, entitled,

An act to provide for the re-location of the seat of Justice for Fountain county,

An act to re-locate part of the state road, leading from the Jeffersonville state road, on the west side of Silver creek, to the lower falls of Drift-wood fork of White river,

An act to locate a state road from Connorsville by way of Goodlander's mill, to Centreville,

An act regulating distress for rent,

An act regulating general elections,

An act for the relocation of part of the Greensburgh and Clinton state road,

An act to incorporate the town of Perrysville, in the county of Vermillion,

An act to provide for the partition of real estate,

An act to incorporate the Shelby county seminary,

An act to re-locate part of a state road, leading from Fort Wayne, in Allen county, in the direction of Fort Defiance, in the state of Ohio; also,

A joint resolution of the General Assembly, relative to the improvement of the Wabash and White rivers;

A memorial of the General Assembly of the state of Indiana, to the Congress of the United States, soliciting an alteration in the compact of 1816, by which lands sold by the United States, are not liable to taxation for five years from and after the day of sale;

An act to provide for electing county and township officers, And found them truly enrolled; when

The Speaker signed said bills, joint resolution and memorial.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

Mr. Semans from the select committee to which was re-committed the bill for the formation of a new county, north of the county of Madison, reported the same with an amendment;

Which was read and concurred in.

The said bill was then ordered to be engrossed and read a third time on Monday next.

Mr. Owens after having obtained leave, presented a bill supplementary to the act, entitled "An act authorising the sale of one of the reserved sections of land in the reserve township of land in Monroe county," approved January 29, 1830;

Which was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time on Monday next.

Mr. Wallace of J., after having obtained leave, presented a bill appropriating a certain amount of the three per cent. fund among the different counties in this state;

Which was read the first time and passed to a second reading.

The House then proceeded to consider the orders of the day.

The engrossed bill of the House, for the relief of John M. Coonfield,

Was read the third time and passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

Mr. Beard moved that the vote heretofore taken on the indefinite postponement of the bill to encourage the manufacture of salt in the county of Switzerland, be reconsidered; and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Beard, Bentley, Bussell, Claypool, Craig, Dumont, Galletely, Hankins, Hendricks Herod, Hillis, Holman, Hoover, Levenworth, Logan, Lowry, Owens, Paddacks, Pitcher, Read of D. and M., Reiley, Roe, Russell, Schoonover, Stewart, Wallace of F., Wallace of J., Work, Wright and Zenor—31.

And those who voted in the negative, are,

Messrs. Bell, Bence, Boon, Brown, Casey, Coffin, Crume, Decker, Dowden, Elliott, Ferris, Hamilton, Kinney, Lane, Long, Lynd, McNary, M'Pheeters, Parks, Pollock, Reid of F., Skeen, Smiley, Soper, Worth and Howk, Speaker—26.

And so it was

Ordered, That said vote be re-considered.

The question recurring on the motion to postpone indefinitely the further consideration of said bill, and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Bence, Boon, Brown, Casey, Crume, Dowden, Elliott, Ferris, Gardner, Hamilton, Lane, Lynd, M'Pheeters, Parks, Pitcher, Pollock, Reid of F., Reiley, Schoonover, Skeen, Smiley, Soper, Work, Worth and Howk, Speaker—25.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bell, Bentley, Bussell, Claypool, Coffin, Craig, Decker, Dumont, Finley, Galletely, Hankins, Hendricks, Hillis, Holman, Hoover, Kinney, Levenworth, Lo-

gan, Long, Lowry, M'Nary, Owens, Paddacks, Read of D. and M., Roe, Russell, Semans, Stewart, Wallace of J., Wright and Zenor—33.

And so said motion was decided in the negative; and

On motion of Mr. Hoover,

The said bill was re-committed to a committee of the whole House for this day, now.

The House then resolved itself into a committee of the whole on the same, and after some time spent therein, the Speaker resumed the chair, and Mr. Hillis reported the bill with one amendment;

Which was read and concurred in.

Mr. Soper moved further to amend the said bill by adding the following proviso thereto:

"Provided, That the owner, or owners of such well or wells, which shall produce a sufficient quantity of salt to entitle him or them to the premium herein provided, shall in no case sell any salt produced from such wells for a higher price than 37½ cents per bushel, under the penalty of forfeiting to the state, double the amount of the premium awarded—provided, such owner or owners shall apply for and receive the same."

Mr. Herod moved to amend said amendment so as to prohibit such person from exporting any salt manufactured by him, out of the state;

Which motion was decided in the negative.

The question being put on the amendment moved by Mr. Soper,

It was decided in the negative.

Mr. Boon moved further to amend the bill by adding at the end thereof the following:

"Provided, That no person or persons having salt works now in operation, shall be entitled to the premium for salt made at such works;"

Which motion was decided in the negative.

The question then being put,

"Shall the bill be engrossed and read a third time on Monday next?" and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Beard, Bussell, Claypool, Coffin, Craig, Dumont, Ferris, Finley, Galletely, Hankins, Hendricks, Hillis, Holman, Hoover, Kinney, Levenworth, Logan, Lowry, M'Nary, Owens, Read of D. and M., Reid of F., Roe, Russell, Semans, Soper, Stewart, Wallace of J., and Wright—29.

And those who voted in the negative, are,

Messrs. Armstrong, Bell, Bence, Bentley, Boon, Brown, Casey, Crume, Decker, Dowden, Elliott, Hamilton, Lane, Lynd, McPheeters, Paddacks, Parks, Pitcher, Pollock, Reiley, Schoonover, Skeen, Smiley, Wallace of F., Work, Worth, Zenor and Howk, Speaker—28.

And so it was

Ordered, That said bill be engrossed and read a third time on Monday next.

On motion of Mr. Hoover,

The vote taken yesterday on agreeing to the second amendment proposed by the Senate, as amended by the House, to the engrossed bill of the House, concerning the scrip to be granted the Michigan road contractors, and for other purposes, was re-considered.

Mr. Hendricks moved to re-consider the votes taken on the several amendments of the House except the first;

Which passed in the affirmative; when

Mr. Wallace of J., (the mover) withdrew those amendments.

The question recurring on agreeing to the said amendment of the Senate as then amended,

It was carried in the affirmative.

Ordered, That the clerk inform the Senate thereof and ask their concurrence in the said amendment of the House.

A message from the Senate by Mr. Morris, their assistant secretary.

Mr. Speaker—

The Senate have passed engrossed bills from the House of Representatives, entitled,

An act supplemental to an act entitled, "an act to incorporate a company to make a turnpike road from New Albany in Floyd county, to Vincennes in Knox county;" and

An act regulating the taking up of animals going estray, and water crafts and other articles of value adrift; the first *without*, the latter *with* amendments;

They have also passed bills of the Senate, entitled,

An act for the relief of Ruth Thompson, and

An act incorporating congressional townships, and providing for public schools therein;

In which bills, and the amendments to the bill of the House, the concurrence of the House of Representatives is requested.

Before the amendments proposed by the Senate to the bill of the House secondly above named were considered, it was

Ordered, That said bill and proposed amendments be laid on the table.

The bill of the Senate first named in said message,

Was twice read (the rules of the House having first been dispensed with) and ordered to be read a third time on Monday next.

The bill of the Senate last named therein,

Was twice read (the rules of the House having first been dispensed with) and committed to a committee of the whole House for Monday next.

And then the House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

A message from the Senate, by Mr. Morris their assistant secretary:

Mr. Speaker—

The Senate have passed bills of the House of Representatives, entitled acts, as follows:

An act concerning the town of Crawfordsville;

An act for the relief of David Buchanan, Security of Joseph C. Reed, deceased, both without amendment: also,

An act of the House for the relief of the purchasers of land in the reserve townships in Monroe county, with an amendment: also

A joint resolution of the House, for the relief of Robert Patterson, without amendment: they have passed

A joint resolution (of the Senate,) providing for a survey of a contemplated canal route from some convenient point on the Wabash, via Indianapolis, to the falls of the Ohio river, in which resolution, together with the amendment to the preceding act, the concurrence of the House of Representatives is requested.

The amendment proposed by the Senate to the bill of the House thirdly in said message named, was read and agreed to.

Ordered, That the clerk inform the Senate thereof.

The engrossed joint resolution of the Senate named in said message,

Was read the first time, when

Mr. Lane moved to reject the same, and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Armstrong, Bence, Bentley, Boon, Brown, Bussell, Coffin, Craig, Ferris, Finley, Hamilton, Hankins, Herod, Hoover, Lane, Levenworth, Logan, Lowry, Lynd, M'Pheeters, Paddacks, Parks, Reid of F., Schoonover, Skeen, Smiley, Soper, Stewart, Work, Worth, Wright and Zenor—32.

And those who voted in the negative, are,

Messrs. Beard, Bell, Casey, Claypool, Crume, Decker, Dowden, Dumont, Galletely, Gardner, Hall, Hendricks, Hills, Holman, Kinney, Long, M'Nary, Owens, Pollock, Read of D. and M., Reiley, Roe, Russell, Semans, Wallace of F., and Howk, Speaker—26.

And so said joint resolution was rejected.

Mr. Holman, after having obtained leave, presented a bill supplemental to an act, entitled,

"An act to incorporate the Eel river seminary society, approved January 1, 1829;

Which was twice read (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time on Monday next.

Mr. Holman, after having obtained leave, presented a petition of John T. Barr, praying a repeal or amendment of the 2nd section of an act to incorporate the town of Fort Wayne;

Which was read and referred to a select committee of Messrs. Holman, Finley, and Wallace of F.

On motion of Mr. Kinney,

The engrossed bill of the Senate to provide for the re-location of the state road leading from Bono to Terre-Haute, heretofore laid on the table, was taken up, when

The House receded from the first, and insisted on the second amendment proposed by them to said bill.

Ordered, That the Senate be informed thereof.

A motion was made by Mr. Hoover to take up the engrossed memorial from the Senate on the subject of the Wabash and Erie canal, heretofore laid on the table, and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Bence, Bentley, Bussell, Casey, Coffin, Craig, Crume, Dowden, Hamilton, Hankins, Herod, Hoover, Lane, Levenworth, Logan, Lowry, Lynd, McPheeters, Paddacks, Parks, Reiley, Roe, Schoonover, Smiley, Soper, Work, Wright, Zenor and Howk, Speaker—29.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bell, Boon, Brown, Claypool, Decker, Dumont, Ferris, Finley, Galletely, Gardner, Hall, Hendricks, Hillis, Holman, Kinney, Long, M'Nary, Owens, Pollock, Read of D. and M., Reid of F., Russell, Semans, Skeen, Stewart, Wallace of F., and Worth,—29.

And so said motion was decided in the negative.

On motion of Mr. Boon,

The bill compensating Benjamin Jones for building a bridge across Busseron creek in Sullivan county, heretofore laid on the table, was taken up and referred to a select committee of Messrs. Boon, Read of D. and M., and Decker.

Mr. Kinney from the judiciary committee to which was referred the petition of sundry citizens of Clarke county, reported the following, which they recommend as additional sections to the act concerning crimes and punishments.

“Sec. That if any person or persons, shall knowingly bring within this state, a pauper, or paupers, with the intention of making them a charge upon any of the counties in this state, he shall upon conviction on presentment or indictment, be fined in any sum not exceeding \$100, and stand chargeable with the support of such pauper or paupers.

Sec. If any person or persons, shall knowingly bring within this state any person or persons diseased or infected with any contagious disorder, (except the members of his own family taken or infected with such disorder in the course of their journey or migration to this state) the person or persons so offending, shall, on conviction by presentment or indictment, be imprisoned at hard labor in the state prison, not less than two nor more than ten years; and upon any such trial the said paupers shall be competent witnesses against the accused;”

Which was read, and ordered to lie on the table.

On motion of Mr. Lane,

The vote heretofore taken on the question to engross the joint resolution for the benefit of Thomas Meed and others, revolutionary soldiers, was re-considered, and

The same was then,

On motion of Mr. Stewart,

Laid on the table.

On motion of Mr. Read of D. and M.,

The bill making specific appropriations for the year 1831,

heretofore laid on the table, was taken up and re-committed to a committee of the whole House for this day now.

The House then resolved itself into a committee of the whole on said bill, and after some time spent therein, the Speaker resumed the chair and Mr. Lane reported progress and asked leave to sit again,

Which leave was granted.

Mr. Elliott from the joint committee on enrolled bills reported,

That they did on this day present to the Governor for his approval and signature, the following enrolled bills:

A memorial and joint resolution, to-wit:

An act for the re-location for part of the Greensburgh and Clinton state road;

An act regulating general elections;

An act to incorporate Perrysville in the county of Vermillion;

An act to provide for the re-location of the seat of Justice of Fountain county;

An act regulating distress for rent;

An act to provide for electing county and township officers;

An act to provide for the partition of real estate;

An act to re-locate part of a state road leading from Fort Wayne in Allen county, in the direction of Fort Defiance, in the state of Ohio;

An act to incorporate the Shelby county seminary;

An act to locate a state road from Connersville by way of Goodlander's mill, to Centreville;

An act to re-locate part of the state road leading from the Jeffersonville state road, on the west side of Silver creek, to the lower falls of Drift-wood fork of White River;

A memorial of the General Assembly of the state of Indiana to the Congress of the United State, soliciting an alteration in the compact of 1816, by which lands sold by the United States are not liable to taxation for five years from and after the day of sale;

A joint resolution of the General Assembly, relative to the improvement of the Wabash and White rivers;

And then the House adjourned until Monday morning, nine o'clock.

MONDAY MORNING, JANUARY 31, 1831.

The House met pursuant to adjournment.

Mr. Russell presented a petition of Shadrach Lequat of Marion county, praying relief;

Which was read and laid on the table.

Mr. Hendricks presented a petition of sundry citizens of Decatur county, praying the repeal of an act of the session, of 1828 and 1829, entitled "An act to establish a state road from Rushville, in Rush county, to Lawrenceburgh, in Dearborn county;

Which was read and referred to the same select committee to which former petitions on that subject were referred.

Mr. Holman presented two petitions of citizens of Elkhart county, respectively praying that the bounds of their county be enlarged by extending it 4 miles further south;

Which were read and referred to a select committee of Messrs. Holman, Semans and Bell.

Mr. Worth from the joint committee on enrolled bills, reported,

That they had compared the enrolled with the engrossed bills, entitled,

An act for the relief of the superintendant of the state prison.

An act to establish a state road from Rome, in the county of Perry, to Petersburg, in the county of Pike, and for other purposes.

An act to change part of the state road from the state line in a direction to Vandalia, in the state of Illinois, by way of the points therein named, to Greensburgh in Decatur county.

An act for the relief of Jesse O'Niel, and

An act for the apportionment of Senators and Representatives in the General Assembly of this state;

And found the same truly enrolled; when

The Speaker signed said bills.

Ordered, That the clerk carry them to the Senate for the signature of their president.

Mr. Pollock from the committee on roads, to which was referred the petition of Isaac N. Phipps and others, reported, a bill for the relief of Daniel Pattengale and Earl Pierce;

Which was read the first time and passed to a second reading.

Mr. Boon, from the select committee to which was committed the bill compensating Benjamin Jones for building a bridge across Busseron creek, near Eaton's mills, in Sullivan county, reported the same with one amendment;

Which was read and concurred in; and then,

The rules of the House having been dispensed with, the bill was considered as engrossed, read a third time and passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

Mr. Holman, from the select committee to which was referred the petition of John T. Barr, reported a bill supplemental to an act, entitled, "An act concerning the town of Fort Wayne," approved January 3, 1829;

Which was read the first time and passed to a second reading.

Mr. Read of D. and M., after having obtained leave, presented a joint resolution relative to the Auditor of Public Accounts;

Which was read the first time and passed to a second reading.

Mr. Holman, after having obtained leave, presented a bill supplemental to an act, entitled, "An act for the apportionment of Senators and Representatives in the General Assembly of this state;

Which was read the first time and passed to a second reading.

On motion of Mr. Ferris,

The engrossed bill of the House, regulating the taking up of animals going astray, and watercraft, and other articles of value, adrift, together with the amendments proposed thereto by the Senate, were taken up:

The first amendment proposed thereto by the Senate, was agreed to with an amendment.

The 2d, 3d, 4th, 5th, 6th, 7th, 9th, 10th and 11th amendments of the Senate, were read and agreed to.

The 8th amendment was disagreed to.

The 12th amendment was read, when

Mr. Bussell moved to amend it, by adding thereto the following:

"But when the taker up of any animal, or property going adrift, shall see proper to keep such animal, or property going adrift, at its appraised value, he shall not be entitled to any thing for keeping the same;"

Which motion was decided in the negative.

The said 12th amendment was then agreed to.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence in the amendment of the House to their amendment first above named.

Mr. McPheeters moved that the bill supplemental to the act entitled "An act providing means for the construction of the Wabash and Erie canal, and the amendments proposed thereto by the Senate, be taken up; and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Bence, Bentley, Bussell, Casey, Coffin, Crume, Dowden, Hamilton, Hankins, Herod, Hoover, Lane, Levenworth, Logan, Lowry, Lynd, McPheeters, Paddacks, Parks, Pitcher, Roe, Schoonover, Smiley, Soper, Stewart, Work, Wright, Zenor and Howk, Speaker—29.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bell, Boon, Brown, Claypool, Craig, Decker, Dumont, Elliott, Ferris, Finley, Galletely, Gardner, Hall, Hendricks, Hillis, Holman, Kinney, Long, M'Nary, Owens, Pollock, Read of D. and M., Reid of F., Reiley, Russell, Semans, Skeen, Wallace of J., Wallace of F. and Worth—32.

And so said motion was decided in the negative.

On motion of Mr. Long,

Resolved, That the House will elect an assistant enrolling clerk, to serve during the residue of the session, and that they will proceed forthwith to such election:

Whereupon,

The Speaker appointed Messrs. Long and Pollock Tellers.

The House then proceeded to elect an assistant enrolling clerk, and on counting the ballots, it appeared that Isaac N. Heylin was elected—he having received 53 votes, being a majority of the whole number given; who came into the Hall and was sworn into office by the Hon. B. F. Morris, President Judge of 5th Judicial Circuit.

Mr. Boon made the following report:

Mr. Speaker,

The joint committee of free conference, appointed on the disagreeing votes of the Houses in relation to the 4th and 5th amendments of the House of Representatives, to the bill of the Senate "regulating the jurisdiction and duties of justices of the peace, have agreed that the House of Representatives recede

from their 4th amendment to said bill; and insert at the end of the 35th line of the 45th section, these words, to-wit: "*Provided* if the first execution be returned, no property found, in that case, it shall not be necessary for the justice to issue a second execution, unless required by the judgment creditor, his or her agent.

The committee have agreed that the House of Representatives recede from their 5th amendment; and agree to insert in the 62d section, after the word "papers," these words, "except process;"

Which was read; and

The question being put on concurring therein;

It was decided in the negative.

Ordered, That the clerk inform the Senate thereof.

Mr. Hoover moved that the resolution offered by Mr. Owens on the 27th inst., and laid on the table, directing an inquiry into the constitutionality of that part of the act relative to crime and punishment, which prohibits secular employments on Sunday, be taken up; and

The ayes and noes being required thereon by two members:

Those who voted in the affirmative, are,

Messrs. Casey, Galletely, Hoover, Owens and Roe—5.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bell, Bence, Bentley, Boon, Brown, Bussell, Claypool, Coffin, Craig, Crume, Decker, Dowden, Dumont, Elliott, Ferris, Finley, Gardner, Hankins, Hendricks, Herod, Hillis, Holman, Lane, Levenworth, Logan, Long, Lynd, McNary, McPheeters, Paddacks, Parks, Pitcher, Pollock, Read of D. and M., Reid of F., Reiley, Russell, Schoonover, Semans, Skeen, Smiley, Soper, Stewart, Wallace of F. Wallace of J., Work, Worth, Wright, Zenor and Howk, Speaker—52.

And so said resolution was not taken up.

A Message from the Senate by Mr. Morris, their assistant secretary:

Mr. Speaker—

The Senate recede from their disagreement to the 2d amendment proposed by the House of Representatives to the engrossed bill of the Senate, entitled,

An act for the re-location of the state road from Bono to Terre-Haute.

They also recede from the amendment proposed by them to the engrossed bill of the House, entitled,

An act making general appropriations for the year 1831.

They have passed bills of the House of Representatives, entitled acts, as follow:

An act for the appointment of county surveyors and their deputies.

An act respecting salines and saline reserves—both with amendments.

They have also passed bills of the Senate, entitled as follow:

An act for the incorporation of county libraries, and

An act for the relief of the poor.

In which acts and amendments to the preceding acts, the concurrence of the House of Representatives is requested.

The several amendments proposed by the Senate to the bills of the house secondly and thirdly above named,

Were read and agreed to.

Ordered, That the clerk inform the Senate thereof.

The bill of the Senate last named in said message,

Was twice read (the rules of the House having first been dispensed with) and ordered to be read a third time to-morrow

And then the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment,

And resumed the consideration of the message from the Senate, depending at the last adjournment.

The bill of the Senate for the incorporation of county libraries, therein named,

Was twice read (the rules of the House having first been dispensed with) when

Mr. Skeen moved to amend it, by adding the following thereto as an additional section, viz:

“Sec. That, hereafter, no county library, the books of which have been purchased by the funds in this act reserved, and set apart for that purpose, shall be liable for any of the debts of the county, or be subject to seizure by execution or otherwise, in any case whatever;”

Which motion was carried in the affirmative.

Mr. Kinney moved further to amend said bill, in the 9th section thereof, so as also to reserve for county libraries, ten per cent. on all donations made to procure the location of any county seat;

Which motion was carried in the affirmative.

The said amendments were then ordered to be engrossed and the bill read a third time to-morrow.

A message was received from the Governor by Mr. Heylin his private secretary, notifying—

That he did, on this day, approve and sign the following acts, to-wit:

An act to legalize the sale of the school land in the county of Madison.

An act to continue in force an act for the benefit of persons who have suffered, or who are likely to suffer by the destruction of the records of Dearborn county, which were consumed by fire in the court house at Lawrenceburgh, on the morning of the 6th of March 1826, approved January 11, 1827.

An act to repeal an act therein named.

An act to locate a state road from Connersville by way of Goodlander's mill, to Centreville.

An act to re-locate part of a state road, leading from Fort Wayne, in Allen county, in the direction of Fort Defiance, in the state of Ohio.

An act for the relocation of part of the Greensburgh and Clinton state road; also,

A joint resolution of the General Assembly, relative to the improvement of the Wabash and White rivers;

All of which have been filed in the office of Secretary of State.

A message from the Senate by Mr. Morris their assistant secretary:

Mr. Speaker—

The Senate have have passed engrossed bills of the house of Representatives, entitled,

An act to establish a state road from William Connelly's in Lawrence county, to Greencastle in Putnam county, and

An act for the relief of John M. Coonfield—both with amendments.

They have passed a bill of the Senate, concerning enclosures and trespassing animals; in which, together with the amendments to the preceding, the concurrence of the house of Representatives is requested.

The amendments proposed by the Senate to the above named bills of the house, were severally read and agreed to.

Ordered, That the clerk inform the Senate thereof.

The bill of the Senate named in said message,

Was twice read (the rules of the house having first been dispensed with) when,

Mr. Crume moved that it be committed to a committee of the whole house for to-morrow;

Which motion was decided in the negative.

Ordered, That said bill be read a third time on to-morrow.

The Speaker laid before the house the following communication in writing from the Governor, covering the documents therein named:

EXECUTIVE DEPARTMENT,
Indiana, Indianapolis, Jun. 29, 1831. }

HON. ISAAC HOWK, *Speaker*
of the *House of Representatives*:

SIR,—The accompanying letters of the present and last Secretary of the Treasury of the United States, received yesterday, will shew that there is something wrong *somewhere*, in regard to the \$1873 17 due the United States, on the 29th of December, 1821, with interest from that time up to the day of December, 1826, making altogether the sum of \$2435 12, on the obligations of the state, which were assigned to the United States by the bank of Vincennes; the last mentioned sum being appropriated, at the time last mentioned, to pay the said debt and interest, by the Legislature of this state. By the said act, the auditor of the state was required to audit, and the treasurer of the same to pay the said last named amount of money to John C. S. Harrison of Vincennes, according to the letter of advice then on file, from Hon. Richard Rush, late Secretary of the Treasury of the United States, and the treasurer of state was required by said act to take duplicate receipts from the said John C. S. Harrison, for the payment of the money, and retain one of the same in his office as a voucher for the security of the state (which it is presumed he has done) and forward the other to the Secretary of the Treasury of the United States, with a notice of such payment; which amount of money, it will be perceived by the letter of the Hon. S. D. Ingham, Secretary of the Treasury of the United States, has not been accounted for by Mr. Harrison at that Department. We are again called upon for this money.—The Legislature will feel itself bound to investigate this subject, and if it is found that the money has been actually paid to the said agent of the United States, in conformity with the aforesaid instructions, then to pass a joint resolution setting forth the whole of the facts, to be transmitted to the Secretary of the Treasury, that the demand against the state may be credited and finally settled. I have the honor to be, sir,

Very respectfully, y^r. ob^t. serv^t.,
J. BROWN RAY."

Which, together with said documents, was read and referred to the committee on the judiciary.

The House then proceeded to consider the orders of the day.

The bill supplemental to an act, entitled "An act to incorporate the Eel river seminary society," approved Jan. 1, 1829,

Was read the second time and ordered to be engrossed and read a third time to-morrow.

Mr. Elliott from the joint committee on enrolled bills reported,

That they did on this day present to the Governor for his approval and signature, the following enrolled bills, entitled acts, to-wit:

An act for the relief of the superintendant of the state prison.

An act for the apportionment of Senators and Representatives in the General Assembly of this state;

An act for the relief of Jesse O'Niel;

An act to establish a state road from Rome, in the county of Perry, to Petersburg, in the county of Pike, and for other purposes.

An act to change part of the state road from the state line in a direction to Vandalia, in the state of Illinois, by way of the points therein named, to Greensburgh in Decatur county.

The bill appropriating a certain amount of the 3 per cent. fund among the different counties in this state, was read the second time.

Mr. Stewart moved to refer the same to a select committee with instructions so to amend it as to give to each county \$700:

Before the question was put,

A motion was made by Mr. Long to lay the bill on the table;

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Beard, Bell, Boon, Decker, Galletely, Hendricks, Holman, Long, M'Nary, Pitcher, Read of D. and M., Reiley, Russell, Skeen, Smiley and Worth—16.

And those who voted in the negative, are,

Messrs. Armstrong, Bence, Bentley, Brown, Bussell, Casey, Claypool, Coffin, Craig, Crume, Dowden, Dumont, Elliott, Ferris, Finley, Gardner, Hamilton, Hankins, Herod, Hillis, Hoover, Kinney, Lane, Levenworth, Logan, Lowry, Lynd, McPheeters, Owens, Paddacks, Parks, Pollock, Reid of F., Roe,

Schoonover, Semans, Soper, Stewart, Wallace of F., Wallace of J., Work, Wright, Zenor and Howk, Speaker—44.

And so said motion was decided in the negative;

Mr. Lane then moved that the further consideration of said bill be indefinitely postponed; and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Galletely, Gardner, Hendricks, Lane, Owens, Pitcher and Worth—7.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bell, Bence, Bentley, Boon, Brown, Bussell, Casey, Claypool, Coffin, Craig, Crume, Decker, Dowden, Dumont, Elliott, Ferris, Finley, Hamilton, Hankins, Herod, Hillis, Holman, Hoover, Kinney, Levenworth, Logan, Long, Lowry, Lynd, M'Nary, M'Pheeters, Paddacks, Parks, Pollock, Read of D. and M., Reid of F., Reiley, Roe, Russell, Schoonover, Semans, Skeen, Smiley, Soper, Stewart, Wallace of F., Wallace of J., Work, Wright, Zenor and Howk, Speaker—53.

And so said motion was decided in the negative.

The question then recurring on Mr. Stewart's motion to refer the bill; and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Bussell Casey, Crume, Decker, Galletely, Hendricks, Holman, Lane, Levenworth, Long, Lynd, Owens, Pitcher, Read of D. and M., Reiley, Skeen, Smiley, Stewart, Wallace of F. and Worth—20.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bell, Bence, Bentley, Boon, Brown, Claypool, Coffin, Craig, Dowden, Dumont, Elliott, Ferris, Finley, Gardner, Hamilton, Hankins, Herod, Hillis, Hoover, Kinney, Logan, Lowry, McNary, M'Pheeters, Paddacks, Parks, Pollock, Reid of F., Roe, Russell, Schoonover, Semans, Soper, Wallace of J., Work, Wright, Zenor and Howk, Speaker—40.

And so said motion was decided in the negative.

A motion was then made by Mr. Crume to commit said bill to a committee of the whole house for to-morrow.

Which motion was decided in the negative.

Mr. Boon moved that it be referred to a select committee with instructions to amend it by apportioning \$40,000.00 amongst the several counties in this state, agreeably to the number of square miles in each county.

Mr. Beard moved to amend the instructions so that no more than \$25,000 shall be apportioned;

Which was accepted by Mr. Boon as a modification of his motion.

Mr. Read of D. and M. moved to amend said instructions, by striking out therefrom, the words "agreeably to the number of square miles in each county," and inserting in lieu thereof, the following, "according to the number and importance of the roads in the respective counties, taking into consideration appropriations heretofore made;"

Which motion was decided in the negative.

The question then being put on the aforesaid motion of Mr. Boon; and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Beard, Bell, Boon, Casey, Claypool, Decker, Galletely, Gardner, Hendricks, Holman, Kinney, Lane, Levenworth, Long, Lowry, Lynd, McNary, Owens, Pitcher, Read of D. and M., Reid of F., Russell, Semans, Skeen, Smiley, Stewart and Worth—27.

And those who voted in the negative, are,

Messrs. Bence, Bentley, Brown, Bussell, Coffin, Craig, Crume, Dowden, Dumont, Elliott, Ferris, Finley, Hamilton, Hankins, Herod, Hillis, Hoover, Logan, M'Pheeters, Paddacks, Parks, Pollock, Reiley, Roe, Schoonover, Soper, Wallace of F., Wallace of J., Work, Wright, Zenor and Hawk, Speaker—32.

And so said motion was decided in the negative, and

Before the any further order was taken on said bill,

The House adjourned until to-morrow morning, nine o'clock.

TUESDAY MORNING, FEBRUARY 1, 1831.

The House met pursuant to adjournment.

Mr. Worth, from the joint committee on enrolled bills, reported,

That they had compared the enrolled with the engrossed bills and joint resolution entitled, to-wit:

An act providing for the opening that part of the Michigan road as lies between Logansport in Cass county, and the county seat of St. Josephs county, at or near the southern bend of the St. Josephs river;

An act regulating the interest of money in the state of Indiana;

An act to dissolve the bands of matrimony between Daniel Bilderback and Abigail his wife;

An act to re-locate the county seat of St. Joseph county;

An act concerning the town of Crawfordsville;

An act for the relief of David Buchanan, security for Joseph C. Read, dec'd;

An act for the relief of certain purchasers of lands in the reserved township in Monroe county;

An act supplementary to an act entitled, "An act to incorporate a company to make a turnpike road from New Albany in Floyd county, by Greenville, Paoli, Mount Pleasant and Washington, to Vincennes in Knox county;" approved January 29, 1830; and

A joint resolution for the relief of Robert Patterson,

And found the same truly enrolled, when

The Speaker signed said bills and joint resolution.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

Mr. Claypool presented a petition of Sundry citizens of Warren, Tippecanoe, and other counties, praying a state road from Lafayette *via* the outlet of Cranberry lake, to intersect the state road from Crawfordsville to Chicago, at Parish's Grove, and for an appropriation of money from the three per cent. fund, thereon;

Which was read and laid on the table.

Mr. Hillis from the select committee heretofore appointed to make a general appropriation of the three per cent fund, reported a bill making general appropriations of the three per cent fund;

Which was read the first time, when

Mr. Wallace of J., moved to reject the same, and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Bence, Bentley, Brown, Coffin, Craig, Crume, Dowden, Elliott, Ferris, Finley, Hankins, Hoover, Kinney, Logan, Lynd, McPheeters, Paddacks, Parks, Pollock, Reid of F., Reiley, Roe, Russell, Schoonover, Soper, Wallace of J., Work, Wright, Zenor and Howk, Speaker—30

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bell, Boon, Bussell, Casey, Claypool, Decker, Dumont, Galletely, Hall, Hamilton, Hendricks, Herod, Hillis, Holman, Lane, Levenworth, Long, Lowry, M'Nary, Owens, Pitcher, Read of D. and M., Semans, Skeen, Smiley, Stewart, Wallace of F., and Worth—30.

And so said motion was decided in the negative.

It was then

Ordered, That the bill do pass to a second reading.

Mr. Crume moved the following resolution:

Resolved, That a select committee be appointed to ascertain and report to this House, the time when the laws which have been revised at the present session, will probably be printed;

Which was read, and

On motion of Mr. Ferris,

Was amended by inserting therein after the word "session" these words "and journals.

The said resolution as amended was then agreed to.

Ordered, That Messrs. Crume and Wallace of J., be that committee.

A message from the Senate by Mr. Morris, their assistant secretary:

Mr. Speaker—

The Senate has refused to concur in the report of the committee of free conference on the subject of the disagreement of the two Houses relative to the amendments proposed by the House of Representatives to the engrossed bill of the Senate, entitled, "An act regulating the jurisdiction and duties of justices of the peace;

They have concurred in the amendment proposed by the House of Representatives to the amendment proposed by the Senate to the engrossed bill of the House of Representatives, entitled, "An act concerning the scrip to be granted to the Michigan road contractors, and for other purposes.

Mr. Elliott moved that the House do recede from their said fourth and fifth amendments to said first named bill;

Which motion did not prevail.

Mr. Crume then moved that the House continue to insist on said amendments;

Which motion passed in the affirmative.

On motion of Mr. Kinney,

Ordered, That a second committee of free conference be appointed on the part of the house, to take into consideration with one to be appointed by the Senate, the disagreeing votes of the two houses on the subject of said amendments, and that the Senate be informed thereof, and a similar committee requested on their part;

Whereupon,

Messrs. Kinney and Dumont were appointed such committee on the part of the house.

The house then proceeded to consider the orders of the day:

The consideration of the bill appropriating a certain amount of the three per cent. fund, depending at the last adjournment, was resumed;

Mr. Wallace of J., moved to refer the same to a select committee;

Which passed in the affirmative.

Mr. Kinney moved that said committee be instructed to amend the bill by striking out the first section thereof from the enacting clause, which section reads in these words, to-wit:

"That there be appropriated to the different counties of this state for the purpose of improving and opening roads and highways in and through the same, the following sums of the three per cent. fund, as follows, to-wit:

To the county of Wayne, two thousand six hundred dollars;

To the county of Dearborn, two thousand four hundred dollars;

To the counties of Jefferson, Clarke, Harrison, Washington and Rush, two thousand dollars each;

To the counties of Franklin and Fountain, \$1,600 each;

To the county of Fayette, one thousand five hundred dollars;

To the counties of Union, Orange, Switzerland and Vermillion, one thousand three hundred dollars each;

To the counties of Henry, Decatur, Jennings, Bartholomew, Gibson, Morgan, Posey and Vigo, \$1000 each;

To the counties of Parke, Putnam, Lawrence and Tippecanoe, one thousand seven hundred dollars each;

To the counties of Ripley, Jackson, Daviess, Green, Hendricks, Johnson, Owen, Sullivan and Randolph, eight hundred dollars each;

To the counties of Shelby, Floyd and Monroe, twelve hundred dollars each;

To the counties of Hamilton, Dubois, Clinton, Cass, Clay, Hancock, and Martin, four hundred dollars each;

To the county of Allen, three hundred dollars;

To the counties of Boon and St. Joseph, two hundred dollars each;

To the counties of Crawford, Carroll, Delaware, Madison, Perry, Scott, Spencer, Vanderburgh, Warrick and Warren, six hundred dollars each;

To the counties of Elkhart and Pike, five hundred dolls. each;

To the counties of Knox, Marion and Montgomery, one thousand four hundred dollars each;"

And by inserting in lieu thereof the following:

"That there is hereby appropriated of the three per cent. fund now on hand, and not otherwise appropriated, and of monies hereafter to be received, the following sums, to-witt:

To the counties of Wayne, Washington and Dearborn, each seven hundred dollars;

To the counties of Clark, Fountain, Franklin, Harrison, Jefferson, Lawrence, Parke, Putnam, Montgomery, Rush and Knox, each six hundred dollars;

To the counties of Fayette, Floyd, Monroe, Orange, Shelby, Switzerland, Tippecanoe, Vermillion and Marion, each \$550;

To the counties of Decatur, Union; Henry, Morgan, Posey, Vigo, each five hundred dollars;

To the counties of Bartholomew, Daviess, Gibson, Green, Hendricks, Jackson, Jennings, Johnson, Owen, Ripley and Sullivan, each four hundred and fifty dollars;

To the counties of Crawford, Madison, Perry, Randolph, Spencer, Warrick and Warren, each four hundred dollars;

To the counties of Carroll, Delaware, Pike, Scott, Vanderburgh, Martin, Clay, Cass, Clinton, Dubois, Hamilton, Hancock, Boon and Allen, each three hundred and fifty dollars;

To the counties of Elkhart and St. Joseph, each \$200."

Mr. Read of D. and M., moved to amend the instructions by doubling the sum therein named, to each county, and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Bence, Brown, Bussell, Casey, Coffin, Craig, Crume, Decker, Dowden, Dumont, Elliott, Ferris, Finley, Hall, Hamilton, Hankins, Herod, Hillis, Hoover, Kinney, Lane, Levenworth, Logan, Lowry, Lynd, McPheeters, Padacks, Parks, Pollock, Read of D. and M., Reid of F., Reiley,

Roe, Russell, Schoonover, Soper, Stewart, Wallace of E., Wallace of J.' Work, Wright, Zenor and Howl, Speaker—44.

And those who voted in the negative, are,

Messrs. Beard, Bell, Bentley, Boon, Claypool, Galletely, Hendricks, Holman, Long, McNary, Owens, Pitcher, Semans, Skeen, Smiley, and Worth.—16.

And so said motion passed in the affirmative.

The question recurring on the motion of Mr. Kinney on the adoption of said instructions, as amended,

It was carried in the affirmative.

Ordered, That Messrs. Wallace of J., Kinney and Boon, be that committee.

The bill supplemental to an act, entitled an act for the apportionment of Senators and Representatives in the General Assembly of this state, was read the second time.

Mr. Lane moved to amend the same by inserting a provision that the two representative districts of Posey, Vanderburgh and Warrick, shall have an additional representative to be elected alternately, commencing with Vanderburgh and Warrick;

Which motion was carried in the affirmative.

Mr. Roe moved to amend said bill so as to give Clarke county three representatives, and Floyd county, two;

Which passed in the affirmative.

Mr. Soper moved further to amend said bill so as to give an additional representative to the counties of Jefferson and Jennings, to be elected alternately.

Before the question was put,

A motion was made by Mr. Beard to commit the bill to a committee of the whole house for to-morrow;

Which was decided in the negative.

Mr. Finley then moved that the further consideration of said bill be indefinitely postponed, and

The ayes and noes being required thereon by two members;

Those who voted in the affirmative are,

Messrs. Bence, Bentley, Boon, Brown, Bussell, Coffin, Crume, Elliott, Finley, Hamilton, Hanks, Herod, Hoover, Paddacks, Parks, Pitcher, Roe, Smiley, Stewart, Wallace of J., Worth, Wright and Zenor—23.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bell, Casey, Claypool, Craig, Decker, Dowden, Dumont, Ferris, Galletely, Hall, Hendricks, Hil-

lis, Holman, Kinney, Lane, Levenworth, Logan, Long, Lowry, Lynd, M'Nary, M'Pheeters, Owens, Pollock, Read of D. and M., Reid of F., Reiley, Russell, Schoonover, Semans, Skeen, Soper, Wallace of F., Work and Howk, Speaker—36.

And so said motion was decided in the negative.

The question then recurring on the amendment proposed by Mr. Soper,

It was decided in the negative.

Mr. Boon moved to refer the bill to a select committee with instructions so to amend it, as that when ever in any senatorial district there is an overplus beyond the ratio of the bill to which this is a supplement, of 650 polls, an additional representative shall be given;

Which was decided in the negative.

Mr. Owens moved to re-commit the bill to a select committee with instructions to amend it so as to give an additional representative in each senatorial district where the excess is seven hundred and fifty polls;

Which motion was decided in the negative.

Mr. Zenor moved to lay the bill on the table;

Which motion was decided in the negative.

Mr. Zenor moved further to amend said bill by giving to Harrison county an additional representative;

Which motion was decided in the negative.

Mr. Pitcher moved further to amend the bill so as to allow to Perry and Spencer, an additional representative;

Which motion passed in the affirmative.

A motion was then made by Mr. Boon to refer the bill to a select committee with instructions to amend it by giving an additional representative in each senatorial district where the excess is seven hundred polls.

Mr. Kinney moved to amend said instructions so as to direct the committee to examine the relative weight of the judicial circuits, according to the number of polls as represented on joint ballot, and to make them as nearly equal as may be;

Which motion was decided in the negative.

The question being put on the motion of Mr. Boon,

It was decided in the negative.

The question then being put,

"Shall the bill be engrossed and read a third time to-morrow?" and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Casey, Decker, Dowden, Dumont, Fer-

ris, Galletely, Hall, Hankins, Hendricks, Hillis, Holman, Kinney, Lane, Levenworth, Logan, Lynd, McPheeters, Owens, Pitcher, Read of D. and M., Reily, Roe, Russell, Schoonover, Stewart, Wallace of F., Work and Howk, Speaker—29.

And those who voted in the negative, are,

Messrs. Beard, Bell, Bence, Bentley, Boon, Brown, Bussell, Claypool, Coffin, Crume, Elliott, Finley, Hamilton, Herod, Hoover, Long Lowry, McNary, Paddacks, Parks, Semans, Skeen, Smiley, Soper, Wallace of J. Worth, Wright and Zenor—28.

And so it was

Ordered, That said bill be engrossed and read a third time to-morrow.

The joint resolution relative to the auditor of public accounts;

The bill supplemental to an act entitled "an act concerning the town of Fort Wayne;" approved January 3, 1829, and

The bill for the relief of Daniel Pattengale and Earl Pierce,

Were severally read the second time and ordered to be engrossed and read a third time to-morrow.

Engrossed bills of the House, to-wit:

The bill for the formation of a new county, north of the county of Madison, and

The bill supplemental to the act entitled "an act authorising the sale of one of the reserved sections of land in the reserved township of land in Monroe county," approved Jan. 29, 1830.

Were severally read the third time and passed.

Ordered, That the same be entitled acts, and that the clerk carry them to the Senate and ask their concurrence.

The engrossed bill from the Senate for the relief of Ruth Thompson;

Was read the third time and passed.

Ordered, That the clerk inform the Senate thereof.

The engrossed bill to encourage the manufacture of salt in the county of Switzerland,

Was read the third time, and

The question being put,

"Shall the bill pass?" and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Beard, Bell, Brown, Bussell, Claypool, Craig, Dumont, Elliott, Ferris, Galletely, Hall, Hendricks, Hillis, Hol-

man, Hoover, Kinney, Levenworth, Owens, Read of D. and M., Reid of F., Roe, Russell, Semans, Soper, Stewart Wallace of J., and Wright—27.

And those who voted in the negative are,

Messrs. Armstrong, Bence, Bentley, Boon, Casey, Coffin, Crume, Decker, Finley, Hamilton, Hankins, Lane, Logan, Long, Lowry, Lynd, M'Pheeters, Paddacks, Parks, Pitcher, Schoonover, Skeen, Smiley, Wallace of F., Work, Worth, Zenor and Hawk, Speaker—27.

And so said bill was rejected.

The engrossed bill from the Senate for the relief of the poor, Was read the third time and amended by unanimous consent, when

Mr. Hall moved that the bill be committed to a select committee with instructions to amend it by striking out so much thereof as authorises county commissioners to levy a tax for the purpose of building asylums in the several counties, and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Bell, Brown, Bussell, Casey, Crume, Galletely, Hall, Hamilton, Hankins, Herod, Holman, Kinney, Lane, Levenworth, Long, Lowry, Owens, Reid of F., Russell, Stewart, and Wallace of F.,—21.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bence, Bentley, Claypool, Coffin, Decker, Dumont, Elliott, Ferris, Finley, Hendricks, Hillis, Hoover, Logan, Lynd, McNary, McPheeters, Paddacks, Parks, Read of D. and M., Roe, Schoonover, Semans, Skeen, Smiley, Wallace of J., Work Worth, Wright Zenor and Hawk, Speaker—22.

And so said motion was decided in the negative,

And the question being put,

“Shall the bill pass?”

It was carried in the affirmative.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence in said amendment.

And then the House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Engrossed bills of the Senate, entitled as follows, to-wit:

An act for the incorporation of county libraries, and

An act concerning enclosures and trespassing animals;

Were severally read the third time and passed.

Ordered, That the clerk inform the Senate thereof and ask their concurrence in the amendments to the first named bill.

The House resolved itself into a committee of the whole on the engrossed bill from the Senate incorporating congressional townships, and providing for public schools therein, and after some time spent therein, the Speaker resumed the chair, and Mr. Hall reported the same with sundry amendments,

Which were read and concurred in.

Mr. Kinney moved further to amend the said bill by inserting after the clause in the first section thereof, which declares the trustees a body corporate and politic, these words, "by the name and style of trustees of school township No. _____"

Which motion was carried in the affirmative.

Mr. Ferris moved further to amend said bill by inserting after these words, "in those townships in which the school sections remain unsold, the electors thereof at the election aforesaid, who favor a state of such lands," in the first clause of the third section, the following:

"Shall signify their assent by signing an instrument of writing made in the following form, viz:

We do hereby authorise the trustees of school township No. _____, or such other person as may be appointed by law to sell the school lands in such township:

Witness our hands, this _____ day of _____, A. D., 183 ; which instrument, when signed by a majority of all the free-holders and house-holders in such township, (*provided*, it shall be done within ten days after such election) shall be sufficient authority for the sale of the school section in such township; *Provided*, however, that before any sale shall take place, the trustees shall add their official certificate to such form, that to the best of their knowledge and belief it contains the signatures of a majority of all the free-holders and house-holders in such township, and they shall have the same recorded in the recorder's office of the proper county."

Mr. Dumont moved to amend said amendment, by inserting therein after the word "signing," in the first line, these words:

and acknowledge before some officer duly authorised to take the acknowledgment of Deeds;"

Which motion was decided in the negative.

Mr. Crume moved to amend said amendment, by striking out therefrom these words "*provided*, it shall be done within ten days after such election."

Before the question was put thereon,

Mr. Galletely moved to lay the bill and proposed amendments on the table;

Which motion was decided in the negative.

The question then being put, on Mr. Crume's motion to amend the amendment;

It was decided in the negative

The question recurring on the said amendment proposed by Mr. Ferris, and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Beard, Bentley, Brown, Bussell, Casey, Claypool, Craig, Dowden, Elliott, Ferris, Finley, Hillis, Hoover, Levenworth, Lowry, Paddacks, Parks, Read of D. and M., Reiley, Soper, Wallace of J., Work, Worth, Wright, and Zenor—26.

And those who voted in the negative, are,

Messrs. Bell, Bence, Boon, Coffin, Crume, Decker, Dumont, Galletely, Hall, Hankins, Hendricks, Herod, Holman, Lane, Logan, Long, Lynd, McNary, McPheeters, Owens, Pitcher, Reid of F., Roe, Russell, Schoonover, Semans, Skeen, Smiley, Stewart, Wallace of F. and Howk, Speaker—31.

And so said motion was decided in the negative, and then

On motion of Mr. Brown,

Ordered, That said bill do lie on the table.

Mr. Elliott from the joint committee on enrolled bills, reported,

That they did on this day present to the Governor for his approval and signature the following enrolled bills entitled acts, to-wit:

An act to dissolve the bands of matrimony between Daniel Bilderback, and Abigail his wife;

An act to re-locate the county seat of St. Joseph county;

An act supplemental to an act entitled, "an act to incorporate a company to make a turnpike road from New Albany in Floyd county, by Greenville, Paoli, Mount Pleasant and Washington, to Vincennes in Knox county, approved January 29, 1830;

An act concerning the town of Crawfordsville;

An act for the relief of certain purchasers of lands in the reserved township in Monroe county;

An act regulating the interest of money in the state of Indiana;

An act for the relief of David Buchanan, security for Joseph C. Reed, deceased;

An act providing for the opening that part of the Michigan road as lies between Logansport in Cass county, and the county seat of St. Joseph county, at or near the southern bend of the St. Joseph's river; and

A joint resolution for the relief of Robert Patterson.

A message from the Senate, by Mr. Morris their assistant secretary:

Mr. Speaker—

The senate disagree to the amendment proposed by the House of Representatives, to the first amendment proposed by the Senate to the engrossed bill of the House, entitled

An act regulating the taking up of animals going astray, and water craft and other articles of value adrift, and recede from their 8th amendment to said bill.

The Senate continue to insist on their 4th and 5th amendments to the engrossed bill of the Senate, entitled

An act regulating the jurisdiction and duties of justices of the peace, and have appointed Messrs. Fletcher and Claypool, a second committee of free conference, to take it into consideration with a similar committee appointed by the House of Representatives, the disagreement of the two Houses in reference to said amendment.

On motion of Mr. Reiley,

The House insisted on their amendment to the first amendment proposed by the Senate to the engrossed bill of the House named in said message, and

Ordered, That a committee of free conference be appointed on the part of the House to take into consideration with one to be appointed by the Senate, the subject matter of the disagreeing vote of the two Houses in relation to the said amendment of the House, and that the Senate be informed thereof, and a similar committee requested on their part;

Whereupon,

Messrs. Reiley and Ferris, were appointed that committee on the part of the House;

And then the House adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY MORNING, FEBRUARY 2, 1831.

The House met pursuant to adjournment.

Mr. Beard presented a petition of sundry citizens of Tippecanoe and Clinton counties, praying a state road from Frankfort to Lafayette;

Which was read and referred to a select committee of Messrs. Beard, Gardner and Claypool.

Mr. Hendricks from the select committee to which were referred sundry petitions of citizens of Decatur and Rush counties, praying the repeal of a law establishing a state road from Rushville to Lawrenceburgh, reported unfavorably to the prayer of the petitioners;

Which was read and concurred in.

Ordered, That the committee be discharged from the further consideration of that subject.

Mr. Holman from the select committee to which were referred two petitions of citizens of Elkhart county, reported that it was inexpedient, at this late period of the session, to legislate any further on that subject;

Which was read and concurred in.

Mr. Hoover moved the following resolution:

Resolved, That this house will receive no new business after Thursday the 3d of this month.

Mr. Elliott moved to lay it on the table;

Which motion was decided in the negative; when

On motion of Mr. Boon,

The further consideration thereof was indefinitely postponed.

On motion of Mr. Bence,

The bill to attach part of the county of Clark to the county of Floyd, laid on the table on the 22d of Dec. ult., was taken up.

Mr. Bussell moved to commit the bill to a committee of the whole house for to-morrow;

Which motion was decided in the negative.

Mr. Roe then moved that the further consideration of said bill be indefinitely postponed;

Which motion was carried in the affirmative.

Mr. Lane, after having obtained leave, presented a bill to amend the act entitled "An act to establish a road from Lake Michigan, by the way of Indianapolis, to some convenient point on the Ohio river," approved January 13, 1830;

Which was read the first time, when

Mr. Armstrong moved that the bill be rejected; and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Boon, Claypool, Craig, Dowden, Dumont, Elliott, Ferris, Finley, Hendricks, Hillis, Holman, Kinney, Pollock, Reid of F., Russell, Skeen, Wallace of F. Wallace of J., and Wright—20.

And those who voted in the negative, are,

Messrs. Bell, Bence, Bentley, Brown, Bussell Casey, Coffin, Crume, Decker, Galletely, Gardner, Hall, Hamilton, Hankins, Herod, Hoover, Lane, Levenworth, Logan, Long, Lowry, Lynd, McNary, M'Pheeters, Owens, Paddacks, Parks, Pitcher, Read of D. and M., Reiley, Roe, Schoonover, Semans, Smiley, Soper, Stewart, Work, Worth, Zenor and Howk, Speaker—40.
And so said bill was not rejected.

The rules of the house were then dispensed with, and the bill was read the second time, and,

On motion of Mr. Long,

Ordered to be committed to a committee of the whole house for to-morrow.

Mr. Worth from the joint committee on enrolled bills reported,

That they had compared the enrolled with the engrossed bills and joint resolution, entitled,

An act subjecting real and personal estate to execution.

An act to re-establish a part of the state road from Greencastle in Putnam county, by way of Rockville and Beard's mills in Park county, Newport and Springfield in Vermillion county, to the state line in the direction of Springfield in the state of Illinois.

An act to incorporate the town of Madison.

An act to provide for the re-location of the state road from Bono to Terre-Haute.

An act to facilitate the opening of the Cumberland road, and preserve the same from being obstructed or injured, and

A joint resolution on the subject of an interchange of laws with other states;

And found the same truly enrolled; when

The Speaker signed said bills, and joint resolution.

Ordered, That the clerk carry them to the Senate for the signature of their president.

Mr. Hoover moved that the bill supplemental to the act entitled "An act providing means for the construction of the Wa-

Dash and Erie canal," together with the amendment proposed thereto by the Senate, laid on the table on the 28th ultimo, be taken up, and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Bence, Bentley, Bussell, Casey, Coffin, Craig, Crume, Dowden, Hamilton, Hankins, Herod, Hoover, Lane, Levenworth, Logan, Lowry, Lynd, McPheeters, Pad-dacks, Parks, Pitcher, Roe, Schoonover, Smiley, Stewart, Work, Wright, Zenor and Howk, Speaker—30.

And those who voted in the negative, are,

Messrs. Beard, Bell, Boon, Brown, Claypool, Decker, Du-mont, Elliott, Ferris, Finley, Galletely, Gardner, Hall, Hen-dricks, Hillis, Holman, Kinney, Long, M'Nary, Owens, Pol-lock, Read of D. and M., Reid of F., Reiley, Russell, Semans, Skeen, Soper, Wallace of J., Wallace of F. and Worth—31.

And so said motion was decided in the negative.

Mr. Wallace of J. from the select committee to which was referred the bill appropriating a certain amount of the 3 per cent. fund, reported the same with one amendment;

Which was read and concurred in.

The rules of the house being dispensed with, the bill was then read the third time, amended by unanimous consent, and ordered to lie on the table.

A message from the Senate by Mr. Morris their assistant secretary:

Mr. Speaker—

The Senate concur in the amendments proposed by the House of Representatives to the engrossed bills of the Senate entitled acts, as follow:

An act for the incorporation of county libraries; and

An act for the relief of the poor.

They have passed, without amendment, an engrossed bill of the House of Representatives, entitled,

An act supplemental to an act entitled "An act to incorporate the Eel river seminary society," approved January 1, 1829.

They have appointed Messrs. Morgan and Lemon a committee of free conference, to act with a similar committee appointed on the part of the House of Representatives, to take into consideration the disagreeing votes of the two houses relating to the engrossed bill of the house of Representatives, entitled,

An act regulating the taking up of animals going astray, and water-craft and other articles of value adrift.

Mr. Kinney, after having obtained leave, presented a bill concerning the canal fund and canal lands;

Which was twice read (the rules of the house having first been dispensed with) when,

A motion was made by Mr. McPheeters to postpone indefinitely the further consideration thereof; and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Bence, Bentley, Coffin, Craig, Dowden, Hamilton, Logan, Lynd, M'Pheeters, Paddacks, Parks; Schoonover and Hawk, Speaker—14.

And those who voted in the negative, are,

Messrs. Beard, Bell, Boon, Brown, Bussell, Casey, Claypool, Crume, Decker, Dumont, Elliott, Ferris, Finley, Galletely, Gardner, Hall, Hankins, Hendricks, Herod, Hillis, Holman, Hoover, Kinney, Lane, Levenworth, Long, Lowry, M'Nary, Owens, Pitcher, Pollock, Read of D. and M., Reid of F., Reiley, Roe, Russell, Skeen, Smiley, Soper, Stewart, Wallace of F., Wallace of J., Work, Worth, Wright and Zenor—46.

And so said motion was decided in the negative;

Mr. Crume moved to amend said bill, by striking out the words "the 1st day of March, 1832," in the first clause thereof, being the period until which the sales of the canal lands are declared to be suspended, and by inserting in lieu thereof the following: "Until such time as definite arrangements shall have been made with Ohio relative to the construction of that portion of the canal within her limits."

Mr. Hoover moved to amend the proposed amendment so as to make the 1st December, 1835, the period of such suspension.

A division of the question being demanded,

It was put on striking out,

And decided in the negative.

Mr. McPheeters moved to amend the bill by adding the following thereto as an additional section, viz:

"Sec. That it shall be the duty of the treasurer of state to loan, until the 1st of April, 1836, on interest of six per cent. per ann. payable annually in advance, the amount of money now in his hands, or which may hereafter come to his hands, arising from the sales of the canal lands and interest thereon, and not otherwise appropriated, on good freehold security, in such

sums as may best suit applicants; and in loaning the money and taking security for the same, the treasurer of state shall be governed by the directions and provisions of the act authorising the loan of the state seminary fund."

Before the question was put,

A motion was made by Mr. Read of D. and M., to lay said bill and proposed amendment on the table;

Which was decided in the negative.

The question then recurring on the amendment proposed by Mr. McPheeters;

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Bence, Bentley, Bussell, Coffin, Crume, Hamilton, Hoover, Logan, Lowry, Lynd, McPheeters, Paddacks, Parks, Pitcher, Schoonover, Soper, Zenor and Hawk, Speaker—18.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bell, Boon, Brown, Casey, Claypool, Craig, Decker, Dowden, Dumont, Elliott, Ferris, Finley, Galletely, Gardner, Hall, Hankins, Hendricks, Hillis, Holman, Kinney, Lane, Levenworth, Long, M'Nary, Owens, Pollock, Read of D. and M., Reid of F., Reiley, Roe, Russell, Semans, Skeen, Smiley Stewart, Wallace of F., Wallace of J., Work, Worth, and Wright—12.

And so said motion was decided in the negative.

The said bill was then ordered to be engrossed and read a third time to-morrow.

The House then proceeded to consider the orders of the day: The bill making appropriations of the three per cent. fund,

Was read the second time, when

Mr. Wallace of F. moved to postpone, indefinitely, the further consideration thereof;

Which motion was carried in the affirmative.

Engrossed bills and a joint resolution of the House, to-wit:

The bill supplemental to an act concerning the town of Fort Wayne,

The joint resolution relative to the auditor of public accounts, and

The bill for the relief of Daniel Pattengale and Earl Pierce, Were severally read the third time and passed.

Ordered, That said bills be entitled acts, and that the clerk

carry them, together with said joint resolution, to the Senate and ask their concurrence.

The engrossed bill of the house supplemental to an act entitled, "An act for the apportionment of Senators and Representatives in the General Assembly of this state," was read the third time.

Mr. Owens moved that the further consideration thereof be postponed until the 1st Monday in August next; and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Beard, Bell, Bentley, Boon, Brown, Bussell, Claypool, Coffin, Crume, Elliott, Finley, Galletely, Gardner, Hamilton, Hankins, Herod, Hillis, Hoover, Kinney, Long, Lowry, McNary, Owens, Paddacks, Parks, Reid of F., Semans, Smiley, Soper, Stewart, Wallace of J., Worth, Wright and Zenor—34.

And those who voted in the negative, are,

Messrs. Armstrong, Bence, Casey, Decker, Dowden, Dumont, Ferris, Hall, Hendricks Holman, Lane, Levenworth, Logan, Lynd, M'Pheeters, Pitcher, Pollock, Read of D. and M., Reiley, Roe, Russell, Schoonover, Skeen, Wallace of F., Work and Hawk, Spaacker—26.

And so said bill was postponed until the 1st Monday in August next.

And then the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment,

A message was received from the Governor by Mr. Heylin his private secretary, notifying—

That he did, on this day, approve and sign the following acts, to-wit:

An act to provide for the partition of real estate.

An act regulating distress for rent.

An act to dissolve the bands of matrimony between Daniel Bilderback and Abigail his wife;

An act to re-locate the county seat of St. Joseph county;

An act for the relief of David Buchanan, security for Joseph C. Read, dec'd;

An act regulating the interest of money in the state of Indiana:

An act concerning the town of Crawfordsville;

An act for the relief of certain purchasers of lands in the reserved township in Monroe county;

An act supplementary to an act entitled, "An act to incorporate a company to make a turnpike road from New Albany in Floyd county, by Greenville, Paoli, Mount Pleasant and Washington, to Vincennes in Knox county;" approved January 29, 1830; and

A joint resolution for the relief of Robert Patterson,

On motion of Mr. Kinney,

The joint resolution for the benefit of Thomas Mead and others, revolutionary soldiers, was taken up and referred to the same select committee by which it was reported, with instructions to amend it by striking out therefrom the name of George Burke.

On motion of Mr. Stewart,

The engrossed bill from the Senate incorporating congressional townships and providing for public schools therein, laid on the table on the 1st instant, was taken up.

Mr. Bentley moved to amend said bill by striking out therefrom the last clause of the 49th section, which reads in these words. "And if there shall not be more than one school established in any township, the whole amount of rents, profits and interest, aforesaid, accruing for school purposes in said township, shall go to the support of that school until others are established;"

Which motion was decided in the negative.

Mr. Read of D. and M. moved to amend the bill, by adding the following proviso to the 38th section:

"*Provided, also,* That when any person shall participate in said school, he shall pay a tax equivalent for the building of said school house;"

Which passed in the affirmative.

The said amendments were then ordered to be engrossed and the bill read a third time to-morrow.

A message from the Senate by Mr. Morris, their assistant secretary.

Mr. Speaker—

The Senate have passed an engrossed bill entitled,

"An act to authorise the judges of the Carroll circuit court to hold a special session." In which the concurrence of the House of Representatives is requested.

The bill named in the above message,

Was twice read (the rules of the House having first been dispensed with) and ordered to be read a third time to-morrow.

On motion of Mr. Lane,

The bill appropriating a certain amount of the 3 per cent. fund, laid on the table this day, was taken up, amended by unanimous consent and passed.

Ordered, That the same be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

The House again resolved itself into a committee of the whole on the bill making specific appropriations for the year 1831; and after some time spent therein, the speaker resumed the chair, and Mr. Wallace of F. reported the same with sundry amendments;

Which were read and concurred in.

The said bill was then ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Long,

The bill providing for the location, opening and improving certain state roads therein named, and for other purposes, was taken up and referred to a select committee of Messrs. Long, Boon, Gardner, Holman and Stewart.

On motion of Mr. McNary,

The bill making an appropriation of money to aid in building a bridge across the Big Fork of Walnut, and to improve the navigation of Eel river, heretofore laid on the table, was taken up and re-committed to the same select committee last named.

On motion of Mr. Bentley,

The bill to establish a state road from the tobacco landing to Corydon, and for other purposes, heretofore laid on the table, was taken up and referred to the same select committee as the two last named bills.

A motion was made by Mr. Hoover, that the House take up the consideration of the engrossed joint resolution from the Senate on the subject of the Wabash and Erie canal; and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Bence, Bentley, Bussell, Casey, Coffin, Crume, Hamilton, Hankins, Herod, Hoover, Lane, Levenworth, Logan, Lowry, Lynd, McPheeters, Paddacks, Pitcher, Roe, Schoonover, Smiley, Soper, Stewart, Work, Wright, Zenor and Howk,
Speaker—27.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bell, Boon, Brown, Claypool, Craig, Decker, Dowden, Dumont, Elliott, Ferris, Finley, Galletely, Gardner, Hall, Hendricks, Hillis, Holman, Kinney, Long, McNary, Owens, Pollock, Read of D. and M., Reid of F., Reiley, Russell Semans, Skeen, Wallace of F., Wallace of J. and Worth—33.

And so said joint resolution was not taken up.

On motion of Mr. Holman,

The bill to establish a state road from Fort Wayne in Allen county, through the county seat of Elkhart county, to the county seat of St. Joseph county, was taken up and referred to the committee on roads.

The Speaker laid before the House a communication from A. F. Morrison containing proposals to print the volume of special acts, or the militia laws; which was read, and,

On motion of Mr. Wallace of J.,

Was ordered to lie on the table.

Mr. Dowden, after having obtained leave, moved the following resolution:

Resolved, That the great weight of moral character, stern integrity, legal abilities and faithful services of the Hon. James Scott and Jesse L. Holman, late judges of the supreme court of the state of Indiana, well deserve the approbation of the people of this state.

Mr. Long moved to lay said resolution on the table;

Which motion was carried in the affirmative.

Mr. Reiley from the committee of free conference, appointed on the part of the House to take into consideration, with a similar committee on the part of the Senate, the subject matter of the disagreeing vote of the two houses in relation to the amendment proposed by the house to the first amendment made by the Senate to the engrossed bill of the house regulating the taking up of animals going astray, and water-craft and other articles of value adrift, reported that the committee had agreed to recede from the said amendment of the house;

Which was read and concurred in.

Ordered, That the clerk inform the Senate thereof.

Mr. Galletely, after having obtained leave, presented a bill appropriating \$125 for building a bridge across Lick creek, on the state road leading from the High Banks of White river to

Indianapolis, thre' Washington in Daviess county, Bloomfield in Greene county, Spencer in Owen county, and Martinsville in Morgan county, thence to Indianapolis:

Which was twice read (the rules of the house having first been dispensed with) and ordered to be engrossed and read a third time to-morrow.

Mr. Kinney made the following report:

The committee of free conference, to which was referred the disagreement of the Senate to the 4th and 5th amendments of the House of Representatives, to the act entitled "An act regulating the jurisdiction and duties of justices of the peace, have had the same under consideration, and have agreed to report that the House of Representatives recede from their 1st amendment with the following amendment, to-wit: After the word "issue," in the 20th line of the 45th section of said act insert the word "one;" and after the word "execution," in the same line, insert, "and in all cases where there shall be a return that property taken is not sold for want of time or bidders, an alias or venditioni exponas;" and that the House recede from its 5th amendment, by adding to the 62d section of said act the following proviso, to-wit: "*Provided*, That nothing in this section contained shall be so construed as to require a justice of the peace, who makes a *temporary* deposit of his docket, to accompany the same with any other papers than those which relate to unsettled business thereon."

Which was read and concurred in.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Morris their assistant secretary:

Mr. Speaker—

The Senate have concurred in the report of the committee of free conference, on the subject of the disagreeing votes of the two houses in reference to certain amendments proposed by the Senate to the engrossed bill of the house of Representatives entitled,

An act regulating the taking up of animals going astray, and water-craft and other articles of value adrift.

They have passed an engrossed bill of the house of Representatives, entitled,

An act for assessing and collecting the revenue with amendments; in which the concurrence of the house of Representatives is requested.

The house agreed to the 3d, 4th, 7th, 11th, 13th, 14th, 16th.

17th, 18th, 19th, 22d, 23d, 24th and 25th amendments proposed by the Senate to the bill of the house last named in said message.

The 6th amendment, which provides that any person who has served three months in the revolutionary war, shall be exempt from poll tax and a tax on personal property, was read, when Mr. Boon moved to amend the same by striking out "three months," and inserting in lieu thereof, "one month;"

Which motion was decided in the negative.

The said 6th amendment was then agreed to.

The 1st, 2d, 5th, 8th, 9th, 10th, 12th, 15th, 20th and 21st of said amendments were read and disagreed to.

Ordered, That the clerk inform the Senate thereof.

And then the House adjourned until to-morrow morning, 9 o'clock.

THURSDAY MORNING, FEBRUARY 3, 1831.

The House met pursuant to adjournment.

Mr. Worth from the joint committee on enrolled bills, reported,

That they had compared the enrolled with the engrossed bills, entitled,

An act supplemental to an act entitled, "an act to incorporate the Eel river seminary society, approved January 1, 1829.

An act for the appointment of county surveyors, and their deputies;

An act respecting salines and saline reserves;

An act making general appropriations for the year 1831;

An act to regulate marriages;

An act concerning the Michigan road scrip—Michigan road lands, and for other purposes, and

An act relating to county seminaries,

And found the same truly enrolled; when

The Speaker signed said bills.

Ordered, That the clerk carry them to the Senate for the signature of their president.

Mr. Beard from the select committee to which was referred the petition of sundry citizens of Clinton and Tippecanoe counties, reported a bill to provide for the location of certain state roads therein named;

Which was read the first time and passed to a second reading.

Mr. Stewart from the select committee to which was referred the joint resolution for the benefit of Thomas Mead and others, revolutionary soldiers, reported the same with one amendment;

Which was read and concurred in.

The said joint resolution was then ordered to be engrossed and read a third time to-morrow.

Mr. Hillis, from the select committee to which were referred the petition of Stephen Barnes and others, and other petitions praying appropriations from the three per cent. fund on certain state roads, reported that it was inexpedient to legislate on those subjects at this time;

Which was read and concurred in.

Mr. Crume made the following report:

"The select committee to which was referred, a resolution, instructing them 'to ascertain and report to this House, when the laws that have been revised at the present session, and the journals, will probably be printed,'

Report, that they have attended to the duty assigned them, and are authorised by Messrs. Douglass & M'Guire, to say to this House, that the printing of the laws enacted and revised by the present General Assembly, will be finished within ninety days after the rising of the same; that said contractors have incurred considerable expense in furnishing themselves with a new press, types, and other materials, and employed an additional number of hands, for the purpose of prosecuting with all possible despatch, the work.

The journals of this House are in a state of forwardness, and will probably be completed within, or near the time, the contract entered into for the printing of the same requires. Your committee did not feel themselves authorised to interfere with, or enquire about the journal of the Senate, and are not prepared to say any thing about it."

The said report was accompanied with a joint resolution relative to the printing of the laws;

Which was read twice (the rules of the House having first been dispensed with) and ordered to be engrossed and read a third time to-morrow.

The House then proceeded to consider the orders of the day:

The engrossed bill from the Senate incorporating congressional townships and providing for public schools therein,

Was read the third time, and amended by unanimous consent.

Mr. Ferris moved that it be re-committed to a select committee with instructions to amend it by inserting a provision relative to leasing school lands where the inhabitants of any congressional township refuse to sell;

Which motion passed in the affirmative.

Ordered, That Messrs. Ferris, Wallace of F., and Elliott, be that committee.

Engrossed bills of the House, to-wit:

The bill for building a bridge across Lick Creek, on the road leading from the High Banks of White River, to Indianapolis; and

The bill concerning the canal fund and canal lands;

Were severally read the third time and passed.

Ordered, That the same be entitled acts, and that the clerk carry them to the Senate and ask their concurrence;

The engrossed bill from the Senate to authorise the judges of the Carroll circuit court, to hold a special session;

Was read the third time and passed.

Ordered, That the Senate be informed thereof.

The engrossed bill making specific appropriations for the year 1831,

Was read the third time and amended by unanimous consent.

Mr. Bussell moved to re-commit it to a select committee with instructions to amend it by inserting therein an allowance to E. J. Kidd, for transporting public arms from Cincinnati to Connersville;

Which motion was decided in the negative; and

The question being put, "Shall the bill pass?"

It was carried in the affirmative.

Ordered, That the same be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

On motion of Mr. Long,

The committee of the whole were discharged from the further consideration of the bill to amend the act entitled, "an act to establish a state road from Lake Michigan, by the way of Indianapolis, to some convenient point on the Ohio River;" approved January 13, 1830; when

A motion was made by Mr. Ferris to lay the same on the table, and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Beard, Boon, Claypool, Craig, Dowden, Dumont, Elliott, Ferris, Finley, Galletely, Hall, Hendricks, Hillis, Holman, Kinney, Levenworth, Long, McNary, Pollock, Read of D. and M., Reid of F., Reiley, Russell, Semans, Skeen, Wallace of F., Wallace of J., and Wright—29.

And those who voted in the negative, are,

Messrs. Bell, Bence, Bentley, Brown, Bussell, Casey, Coffin, Crume, Decker, Gardner, Hamilton, Hankins, Herod, Lane, Logan, Lowry, Lynd, McPheeters, Owens, Paddacks, Parks, Pitcher, Roe, Schoonover, Smiley, Soper, Stewart, Work, Worth, Zenor and Howk, Speaker—31.

And so said motion was decided in the negative.

Mr. Finley moved that the further consideration of said bill be indefinitely postponed, and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Beard, Boon, Claypool, Craig, Crume, Dowden, Dumont, Elliott, Ferris, Finley, Galletely, Hankins, Hendricks, Hillis, Holman, Kinney, Pollock, Reid of F., Russell, Semans, Skeen, Wallace of F., Wallace of J., and Wright—25.

And those who voted in the negative, are,

Messrs. Bell, Bence, Bentley, Brown, Bussell, Casey, Coffin, Decker, Gardner, Hall, Hamilton, Herod, Hoever, Lane, Levenworth, Logan, Long, Lowry, Lynd, McPheeters, Owens, Paddacks, Parks, Pitcher, Read of D. and M., Reiley, Roe, Schoonover, Smiley, Soper, Stewart, Work, Worth, Zenor and Howk, Speaker—35.

And so said motion was decided in the negative.

Mr. Long then moved to lay said bill on the table, and

The ayes and noes being called for by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Beard, Boon, Claypool, Craig, Crume, Decker, Dowden, Dumont, Elliott, Ferris, Finley, Galletely, Hall, Hankins, Hendricks, Hillis, Holman, Kinney, Long, Pollock, Read of D. and M., Reid of F., Reiley, Russell, Semans, Skeen, Wallace of F., Wallace of J., and Wright—30.

And those who voted in the negative, are,

Messrs. Bence, Bentley, Brown, Bussell, Casey, Coffin, Gardner, Hamilton, Herod, Hoover, Lane, Levenworth, Logan, Lowry, Lynd, McPheeters, Owens, Paddacks, Parks, Pitcher, Roe, Schoonover, Smiley, Soper, Stewart, Work, Worth Zenor and Howk, Speaker—29.

And so it was

Ordered, That said bill do lie on the table.

A message from the Senate by Mr. Morris, their assistant secretary:

Mr. Speaker—

The Senate have concurred in the report of the committee of free conference appointed to take into consideration the disagreeing votes of the two Houses, in reference to certain amendments proposed by the House of Representatives to the engrossed bill of the Senate, entitled "an act regulating the jurisdiction and duties of justices of the peace.

They recede from their *first, second, fifth, eighth, twelfth*, and twentieth amendments, to the engrossed bill of the House of Representatives, entitled "an act for assessing and collecting the revenue, and insist on their *ninth, tenth, fifteenth* and twenty-first amendments to said bill.

The House insisted on their disagreement to the 9th, 10th, 15th, and 21st amendments proposed by the Senate to said last named bill.

Ordered, That the clerk inform the Senate thereof.

Mr. Kinney moved the following resolution:

Resolved, That this General Assembly will adjourn without day on the 8th inst. *Resolved* that the Senate be informed of this resolution, and a similar resolution requested on their part.

Mr. Crume moved to lay the resolution on the table.

Which motion was decided in the negative.

Mr. Wallace of J., moved to amend it by striking out therefrom the word "eighth," and inserting in lieu thereof the word "tenth."

A division of the question being demanded by Mr. Finley,

It was put on striking out, and passed in the affirmative.

Mr. Finley then proposed to fill the blank with the word "ninth;"

The question being put on filling the blank as proposed by Mr. Wallace of J.,

It was decided in the negative; and

Being put on filling it with the word "ninth,"

It passed in the affirmative.

The resolution as amended, was then adopted;

And then the House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Elliott from the joint committee on enrolled bills, reported,

That they did on this day, present to the Governor for his approval and signature, the following enrolled bills, entitled acts, to-wit:

An act to provide for the re-location of the state road from Bono to Terre-Haute;

An act to facilitate the opening of the Cumberland road, and preserve the same from being obstructed or injured;

An act to re-establish a part of the state road from Green-castle in Putnam county, by way of Rockville and Beard's mills in Parke county, Newport and Springfield in Vermillion county, to the state line in the direction of Springfield in the state of Illinois;

An act to incorporate the town of Madison;

An act subjecting real and personal estate to execution;

A joint resolution on the subject of an interchange of laws with other states.

Mr. Ferris from the select committee to which was re-committed the engrossed bill from the Senate incorporating congressional townships and providing for public schools therein, reported the same with one amendment,

Which was read and concurred in.

The rules of the House were then dispensed with, and the bill was read the third time, the amendments being considered as engrossed, and passed.

Ordered, That the clerk inform the Senate thereof and ask their concurrence in the amendments.

Mr. Holman from the committee on roads, to which was referred the bill to establish a state road from Fort Wayne in Allen county, through the county seat of Elkhart county, to the county seat of St. Joseph county, reported the same with two amendments;

Which were read and concurred in.

Ordered, That said bill be engrossed and read a third time to-morrow.

Mr. Galletely after having obtained leave, presented a bill

to legalize the proceedings of the trustees of the Green county library, and further to provide for the election of President and trustees of the Owen county library;

Which was twice read (the rules of the House having first been dispensed with,) when

Mr. Logan moved to lay the same on the table;

Which motion was decided in the negative.

The said bill was then ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Hendricks,

The bill to establish a state road from Jehu Perkins' in Rush county, to Napoleon in Ripley county, heretofore laid on the table, was taken up.

The rules of the House were dispensed with—the said bill was considered as engrossed, read the third time and passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

A Message from the Senate by Mr. Morris, their assistant secretary:

Mr. Speaker—

The Senate have passed engrossed bills of the House of Representatives entitled,

An act supplemental to an act concerning the town of Fort Wayne, approved January 2, 1829;

An engrossed bill entitled an act supplementary to an act entitled "an act authorising the sale of one of the reserved sections of land in the reserved township of land in Monroe county, approved January 29, 1830;

An act legalizing the proceedings of the board of county commissioners of Hendricks county;

An act concerning the corporation of the town of Lawrenceburgh;

An act to provide for the commencement of a state house;

An act to authorise the agent of the state for the town of Indianapolis, to lay off the lands belonging to the state into lots, and offer the same for sale; and

An engrossed joint resolution of the General Assembly, the two first without amendments, the last five with amendments, in which the concurrence of the House of Representatives is requested.

The amendments proposed by the Senate to the third, fourth and fifth bills named in said message, and the six first amendments to the sixth bill named in said message;

Were severally read and agreed to.

The 7th amendment proposed to said last named bill, which provides for payment in three equal annual installments where any person (having made improvements) takes a lot at its appraisal, was read, when

Mr. Boon moved to amend said amendment so as to provide that such installments shall bear interest from date;

Which motion was decided in the negative.

The said amendment of the Senate was then agreed to.

The amendment proposed by the Senate to the joint resolution named in the message,

Was read and disagreed to.

Ordered, That the clerk inform the Senate thereof.

On motion of Mr. Crume,

Ordered, That Mr. Hankins has leave of absence from the service of the House, from this day, for and during the remainder of the present session.

A message from the Senate by Mr. Morris their assistant secretary:

Mr. Speaker,

The Senate has passed an engrossed bill entitled,

An act authorising probate courts and defining the powers and duties of executors, administrators and guardians; in which the concurrence of the House of Representatives is requested.

The bill of the Senate above named,

Was twice read (the rules of the House having first been dispensed with,) when

Mr. Kinney moved to refer it to the committee on the judiciary;

Which motion was carried in the affirmative.

On motion of Mr. Wallace of J.,

The said committee were instructed to amend the same, so as to provide for appeals from the probate to the circuit, instead of supreme court, and to transfer to the justice's court, the collection of all debts due estates within the jurisdiction of justices of the peace, and such other amendments as said committee may think necessary.

Mr. Elliott from the joint committee on enrolled bills, reported,

That they did on this day present to the Governor for his approval and signature the following enrolled bills entitled acts, to-wit:

An act to regulate marriages;

An act concerning the Michigan road scrip—Michigan road lands, and for other purposes,

An act supplemental to an act entitled, "an act to incorporate the Eel river seminary society, approved January 1, 1829.

An act making general appropriations for the year 1831;

An act for the appointment of county surveyors, and their deputies;

An act respecting salines and saline reserves;

An act relating to county seminaries,

And then the House adjourned until to-morrow morning nine o'clock.

FRIDAY MORNING, FEBRUARY 4, 1831.

The House met pursuant to adjournment.

Mr. Pollock from the committee on roads to which was referred the petition of John B. Harmon, and others, reported a bill to change the road commissioner on the state road leading from Indianapolis to Lafayette;

Which was read the first time and passed to a second reading.

Mr. Claypool from the select committee to which was referred the petition of the citizens of Rob Roy, in Fountain county, praying that the name of their town be changed to Birmingham, reported,

That, as there is a town of the same name in Tippecanoe county, it is inexpedient to legislate on that subject at this time;

Which was read and concurred in.

On motion of Mr. Read of D. and M.,

The vote taken yesterday on agreeing to the first amendment proposed by the Senate to the engrossed bill of the House, to provide for the commencement of a state house, was reconsidered, when

On motion of Mr. Hillis,

The House disagreed to said amendment.

Ordered, That the clerk inform the Senate thereof.

The House then proceeded to consider the orders of the day.

The bill to provide for the location and opening of certain state roads therein named, was read the second time.

Mr. Claypool moved to amend the same in the clause relating to the state road from Covington to Lafayette, so as to make Attica a point;

Which motion was carried in the affirmative.

The bill was then ordered to be engrossed and read a third time to-morrow.

Engrossed bills and joint resolutions of the House, to-wit:

The bill to establish a state road from Fort Wayne in the county of Allen, thence to the county seat of Elkhart county, and thence to the county seat of St. Joseph county;

The bill to legalize the proceedings of the Green county library, and for other purposes,

The joint resolution relative to the printing of the laws, and

The joint resolution relative to Thomas mead, and others,

Were severally read the third time and passed.

Ordered, That said bills be entitled acts, and that the clerk carry them together with said joint resolutions to the Senate and ask their concurrence.

A message from the Senate, by Mr. Morris their assistant secretary:

Mr. Speaker—

The senate have appointed Messrs Morgan and Graham a committee of free conference, who, in conjunction with a similar committee to be appointed on the part of the House of Representatives to take into consideration the disagreeing votes of the two Houses relative to sundry amendments proposed by the Senate to the engrossed bill of the House of Representatives, entitled, "An act for assessing and collecting the revenue, and request the appointment of a similar committee on the part of the House of Representatives.

They have passed an engrossed bill of the Senate, entitled "An act to organize and regulate the militia of the state of Indiana.

On motion of Mr. Read of D. and M.,

Ordered, That a committee of free conference be appointed on the part of this House, to take into consideration with the above named committee on the part of the Senate, the subject of the disagreeing votes of the two Houses in relation to the several above named amendments proposed by the Senate to the said bill of the House;

Whereupon,

Messrs. Read of D. and M., and Hillis, were appointed that committee on the part of the House.

Ordered, That the clerk inform the Senate thereof.

The bill of the Senate named in said message,

Was twice read (the rules of the house having first been dispensed with) when

Mr. Boon moved that it be committed to a committee of the whole house for this day now;

Which motion passed in the affirmative.

The House then resolved itself into a committee of the whole on said bill, and after some time spent therein, the speaker resumed the chair, and Mr. Kinney reported progress and asked leave to sit again;

Which leave was granted.

And then the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment,

And again resolved itself into a committee of the whole on the engrossed bill from the Senate to organize and regulate the militia of the state of Indiana; and after some time spent therein the speaker resumed the chair, and Mr. Bussell reported the same with sundry amendments;

Which were read and concurred in; except the first, to which the house disagreed.

Mr. Stewart moved further to amend the bill in that clause of the 4th section, which provides that the militia on muster days shall be kept under arms at least four hours; by striking out the word "four," and inserting in lieu thereof the word "three;"

Which motion was carried in the affirmative.

Mr. Armstrong moved further to amend the bill by adding the following proviso at the end thereof:

"Provided, that nothing in this act contained shall be so construed as to require any person to perform military duty more than one day in each year; and that so much of this act, or any law of this state as requires more musters than one regimental muster in such year, be and the same is hereby repealed: except that all light or volunteer companies, may muster as often in each year as they may think proper."

The ayes and noes being required thereon by two members;

Those who voted in the affirmative are,

Messrs. Armstrong, Craig, Decker, Dowden, Dumont, Elliott, Finley, Galletely, Hall, Hendricks, Holman, Hoover, Lane, Levenworth, Lowry, M'Nary, Pitcher, Pollock, Read of D. and M., Reiley, Semans, Soper, Stewart, Worth, Wright and Zenor—26.

And those who voted in the negative, are,

Messrs. Beard, Bell, Bence, Bentley, Boon, Brown, Bussell, Casey, Claypool, Coffin, Crume, Ferris, Gardner, Hamilton, Herod, Hillis, Kinney, Long, Lynd, M'Pheeters, Paddacks, Parks, Reid of F., Roe, Russell, Schoonover, Skeen, Smiley, Wallace of F., Wallace of J., Work and Howk, Speaker—32.

And so said motion was decided in the negative.

Mr. Dumont moved to amend the first section, which subjects persons to militia duty between the ages of eighteen and forty-five years, by striking out the word "forty-five," and inserting in lieu thereof the following: "thirty-five in time of peace, and between the ages of eighteen and forty-five in times of war, insurrection or invasion; and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Decker, Dowden, Dumont, Finley, Galletely, Hillis, Hoover, Lane, Lowry, Paddacks, Pitcher, Reiley, Semans, Soper, Stewart and Wright—16.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bell, Bence, Bentley, Boon, Brown, Bussell, Casey, Claypool, Coffin, Craig, Crume, Elliott, Ferris, Gardner, Hall, Hamilton, Hendricks Herod, Holman, Kinney, Levenworth, Long, Lynd, McNary, M'Pheeters, Parks, Pollock, Read of D. and M., Reid of F., Roe, Russell, Schoonover, Skeen, Smiley, Wallace of F., Wallace of J., Work, Worth, Zenor and Howk, Spacker—42.

And so said motion was decided in the negative,

Mr. Hoover moved to amend the 44th section of said bill, which gives a discretion to the court of assessment, to impose a fine of not less than fifty cents, nor more than one dollar upon a private for each day's absence from muster, so as to limit the fine to fifty cents.

Before the question was put, a motion was made by Mr. Bentley to lay the bill and proposed amendment on the table; Which motion was decided in the negative.

The question being then put on the amendment moved by Mr. Hoover,

It passed in the affirmative.

Mr. Lowry moved to amend the bill further, by striking out so much thereof as requires battalion musters, and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Beard, Brown, Claypool, Craig, Decker, Dowden, Dumont, Elliott, Ferris, Finley, Galletely, Hamilton, Hendricks, Holman, Hoover, Lowry, Paddacks, Pitcher, Pollock, Read of D. and M., Semans, Smiley, Soper, Stewart, Worth, Wright, and Zenor—28.

And those who voted in the negative, are,

Messrs. Bell, Bence, Bentley, Boon, Bussell, Casey, Coffin, Crume, Gardner, Hall, Herod, Hillis, Kinney, Lane, Levenworth, Long, Lynd, McNary, McPheeters, Parks, Reid of F., Roe, Russell, Schoonover, Skeen, Wallace of F., Wallace of J. Work and Hawk, Speaker—29.

And so said motion was decided in the negative.

Mr. Bussell moved further to amend the bill by adding to the 37th section, which provides for the imposition of fines by courts of assessment and of appeals, the following, viz:

“And any person feeling himself agrieved by the assessment of such fine as aforesaid, it shall be the duty of the commandant of such regiment on such person making oath before such commandant, that it was out of his power to attend the courts aforesaid, to hear his excuse; and if he deems it reasonable, to remit such fine;”

Which motion was decided in the negative; and then,

On motion of Mr. McPheeters,

The rules of the House were dispensed with, and the amendments being considered as engrossed, the bill was read the third time and passed.

Ordered, That the clerk inform the Senate thereof and ask their concurrence in the amendments.

A message was received from the Governor by Mr. Heylin his private secretary, notifying—

That he did, on this day, approve and sign

An act making general appropriations for the year 1831.

Another message was received from the Governor by Mr. Heylin, his private secretary, notifying that he did on this day approve and sign

An act concerning the Michigan road scrip—Michigan road lands, and for other purposes,

An act respecting salines and saline reserves;

An act for the appointment of county surveyors, and their deputies;

An act supplemental to an act entitled, “an act to incorporate the Eel river seminary society, approved January 1, 1829.

Mr. Worth from the joint committee on enrolled bills reported,
That they had compared the enrolled with the engrossed bills entitled,

An act regulating the fees and salaries of the several officers and persons therein named;

An act concerning enclosures and trespassing animals;

An act to establish a state road from William Connelly's in Lawrence county, to Greencastle in Putnam county;

An act for the relief of John M. Coonfield,

And found the same truly enrolled; when

The Speaker signed said bills.

Ordered, That the clerk carry them to the Senate for the signature of their president.

A message from the Senate by **Mr. Morris** their assistant secretary:

Mr. Speaker—

The Senate recede from their first amendment to the engrossed bill of the House of Representatives, entitled

An act to provide for the commencement of a state house, to which the House of Representatives disagreed.

They insist on their amendments to the engrossed joint resolution of the General Assembly.

On motion of **Mr. Wallac of J.**,

The House insisted on their disagreement to the amendments proposed by the senate to the joint resolution of the house named in said message, and

Ordered, That a committee of free conference be appointed by the house to take into consideration with one to be appointed by the Senate, the subject matter of the disagreeing votes of the two houses, in reference to said amendments, and that the Senate be informed thereof, and a similar one requested on their part;

Whereupon,

Messrs. Wallace of J., and Russell were appointed such committee on the part of the house;

And then the House adjourned until to-morrow morning nine o'clock.

SATURDAY MORNING, FEBRUARY 5, 1831.

The House met pursuant to adjournment.

Mr. Hall from the judiciary committee to which was committed the engrossed bill from the Senate to organize probate courts, and defining the powers and duties of executors, administrators and guardians, reported the same with several amendments;

Which were read and concurred in; and

On motion of Mr. Kinney,

The bill was further amended by adding to the 56h section a provision that the courts in the counties of Gibson, Knox and Vigo shall be held on the first Mondays in February, April, June, October and December, and on the second Monday in August, when,

On motion of Mr. Bussell,

The rules of the house were dispensed with, and the amendments being considered as engrossed the bill was read the third time and passed.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence in the amendments.

Mr. Hall made the following report:

"The judiciary committee to which was referred the petition of William Maccartney, praying for the passage of a law to authorise him to erect a wing dam on the south side of the St. Joseph river, have had the subject under their consideration, and directed me to report, that the congress of the United States, by an act passed on the 13th day of July, 1787, declared that the navigable waters leading into the St. Lawrence and Mississippi rivers and the carrying places between the same to be public highways. If the St. Joseph river is one of the navigable streams contemplated by that act, this General Assembly have not the authority to grant the privilege asked for by the petitioner. If, on the other hand, the bed of the stream is the property of the petitioner, he has the authority to use it as he pleases, so as not to interfere with the rights of others.

The same answer may be given to the petition of Stephen Barnes, praying the privilege to construct a dam on the west fork of White river.

Your committee ask to be discharged from the further consideration of the subject;"

Which was read and concurred in.

Ordered, That the committee be discharged.

Mr. Read of D. and M. made the following report:

"The committee of free conference appointed on the disagreeing votes of the houses, on the 21st, 9th, 10th and 15th amendments of the Senate, to the bill of the house providing for assessing and collecting the revenue, have agreed to the following report:

The committee agree to amend the 21st amendment, by striking out the word "ten," and insert "seven" in lieu thereof, so as to make it read, "not less than seven, nor more than thirty dollars."

They have agreed that the House of Representatives recede from their objections to the 9th and 10th amendments of the Senate to said bill.

They have also agreed that the Senate recede from their 15th amendment to said bill."

The 9th amendment made by the senate to said bill was, by striking out the word "conclusive," in that clause of the bill which provides that the collector's deed shall be conclusive evidence that the sale (of lands sold for taxes) was formal, according to the provisions of said act, and by inserting in lieu thereof the words "prima facie;"

And on the question to concur in said report,

The ayes and noes being demanded by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Beard, Bentley, Brown, Claypool, Craig, Dowden, Dumont, Galletely, Hamilton, Hendricks, Herod, Hillis, Holman, Hoover, Levenworth, Long, Lowry, McPheeters, Reid of F., Wallace of F., Worth, Wright and Ze, nor—24.

And those who voted in the negative, are,

Messrs. Bell, Bence, Boon, Bussell, Casey, Coffin, Crume, Decker, Ferris, Gardner, Hall, Kinney, Lane, Lynd, M'Nary, Owens, Paddacks, Parks, Pitcher, Pollock, Read of D. and M., Roe, Russell, Schoonover, Semans, Skeen, Smiley, Soper, Stewart, Wallace of J., Work and Hawk, Speaker—32.

And so the house refused to concur in said report.

Ordered, That the clerk inform the Senate thereof.

On motion of Mr. Kinney,

Ordered, That Mr. Reiley have leave of absence from the service of the house during the residue of the session.

On motion of Mr. Holman,

Ordered, That Messrs. Finley and Elliott have leave of ab-

sence from the service of the house, respectively, during the remainder of the session.

On motion of Mr. Hall,

Ordered, That a 2d committee of free conference be appointed on the part of the House to take into consideration with a similar committee of the Senate, the disagreeing votes of the two Houses relative to the 9th, 10th, 15th and 21st amendments proposed by the Senate, to the engrossed bill of the House, providing for assessing and collecting the revenue:

Whereupon,

The Speaker appointed Messrs. Hall and Kinney that committee.

Mr. Worth from the joint committee on enrolled bills, reported,

That they had compared the enrolled with the engrossed bill, entitled,

"An act to authorise the judges of the Carroll circuit court to hold a special session;"

And found the same truly enrolled; when

The Speaker signed said bill.

Ordered, That the clerk carry it to the Senate for the signature of their president.

A message from the Senate by Mr. Morris their assistant secretary:

Mr. Speaker—

The Senate concur in the 1st, 3d, 5th, 7th, 8th, 9th, 10th, 11th, 12th and 13th amendments proposed by the House of Representatives to the engrossed bill of the Senate, entitled,

An act to organize and regulate the militia of the state of Indiana—with an amendment to the 10th amendment of the house. They disagree to the 2d, 4th and 6th amendments proposed by the house to said bill.

The Senate have appointed Messrs. Gregory and Linton a committee of free conference to take into consideration, in conjunction with a similar committee appointed on the part of the House of Representatives, the disagreeing votes of the two houses relative to the amendment proposed by the Senate to "A joint resolution of the General Assembly," originating in the House of Representatives.

The amendment made by the Senate to the 10th amendment of the house to the bill of the Senate first in said message named, was read and concurred in.

Mr. Crume moved that the house insist on the their 2d amendment to said bill;

Which motion was decided in the negative; and then

The house receded from said amendment.

They also receded from their 6th, and insisted upon their 4th amendment to said bill.

Ordered, That the clerk inform the Senate thereof.

And then the House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

A message from the Senate by Mr. Morris, their assistant secretary.

Mr. Speaker—

The Senate concur in the 1st, 2d, 4th and 5th amendments proposed by the house of Representatives, to the engrossed bill of the Senate entitled,

An act incorporating congressional townships and providing for public schools therein.

They disagree to the 3d amendment proposed by the house, and concur in the 6th amendment of the house *with an amendment.*

They have concurred in the amendments proposed by the House of Representatives to the amendments made by the Senate to the engrossed bill of the house, entitled,

An act to establish a state road from Rushville in Rush county to Greenfield in Hancock county.

They have passed, without amendment, a joint resolution relative to the auditor of public accounts.

They have also passed an engrossed bill of the House of Representatives entitled,

An act concerning tenants holding over, with an amendment in which the concurrence of the House of Representatives is requested.

Mr. Crume moved that the house insist on their 3d amendment to the bill of the Senate in said message named; which amendment is by adding to the 38th section, the following:

“*Provided*, That no person shall be compelled to pay any tax, in work or otherwise, unless such person participate in said school; and *provided, also*, that when any person shall participate in said school, he shall pay a tax equivalent for the building of said school house;”

And the ayes and noes being called for by two members, on said motion to insist,

Those who voted in the affirmative, are,

Messrs. Armstrong, Bell, Bence, Bentley, Brown, Bussell, Casey, Coffin, Craig, Crume, Decker, Dowden, Dumont, Gardner, Hall, Hamilton, Hendricks, Herod, Hoover, Levenworth, Lynd, McPheeters, Paddacks, Pitcher, Reid of F., Roe, Russell Schoonover, Skeen, Smiley, Soper, Stewart, Wallace of F., Wallace of J., Work, Wright, Zenor and Howk, Speaker—38.

And those who voted in the negative, are,

Messrs. Boon, Ferris, Kinney, Lane and Parks—5.

And so the house did insist on said amendment.

The house disagreed to the amendments proposed by the Senate to the 6th amendment of the house to said bill.

The amendment made by the Senate to the bill of the house last above named, was agreed to with an amendment.

Ordered, That the clerk inform the Senate thereof and ask their concurrence in the said amendment of the house last named.

Mr. Worth, from the joint committee on enrolled bills, reported,

That they did on this day, present to the Governor for his approval and signature, the following bills, entitled acts, to-wit:

An act regulating the fees and salaries of the several officers and persons therein named.

An act to establish a state road from William Connelly's, in Lawrence county, to Greencastle in Putnam county.

An act for the relief of John M. Coonfield.

An act concerning enclosures and trespassing animals, and

An act to authorise the judges of the Carroll county circuit court to hold a special session.

A Message from the Senate by Mr. Morris, their assistant secretary:

Mr. Speaker—

The Senate have passed and engrossed bill of the Senate, entitled "An act relative to crime and punishment;" in which the concurrence of the House of Representatives is requested.

The above named bill, was twice read (the rules of the house having first been dispensed with) when

Mr. Hoover moved that it be committed to a committee of the whole house for this day now;

Which motion passed in the affirmative.

The House then resolved itself into a committee of the whole on said bill, and after some time spent therein, the speaker resumed the chair, and Mr. Hillis reported the same with several amendments;

Which were read and concurred in.

Mr. Owens moved further to amend the bill, by striking out the 66th section thereof, which reads in these words, to wit:

"Sec. 66. That if any person shall interrupt, disturb, or molest any religious society or any member thereof, when met or meeting together for public worship, or shall sell or give away any spirituous liquors at any booth, wagon or open place in the vicinity of any collection of a portion of the citizens of this state, convened for the purpose of worship, or shall interrupt, disturb or molest any collection of the people, convened for any lawful purpose, or shall make any contention or disturbance at any public house, court, election, or other lawful public meeting, such person shall, upon conviction thereof, be fined in any sum not exceeding ten dollars, nor less than one;"

And by inserting in lieu thereof, the following:

"Sec. 66. If any person shall interrupt, molest, or disturb any religious society or member thereof, when meeting or met together for worship, or shall sell or give away any spirituous liquors at any booth, or open place in the vicinity of a religious society met together for worship, the person so offending shall be fined in any sum not less than five nor more than twenty dollars: *Provided*, that such penalty shall not attach to any licensed person who may sell or give away liquors, at their dwellings or place of residence; and that any person who shall make any contention or disturbance at any public house, court, election, or other lawful public meeting, such person shall be fined not less than one nor more than ten dollars."

Mr. Long moved to amend said amendment by striking out the words "in the vicinity," and inserting in lieu thereof, the words "within one mile."

A division of the question being demanded by Mr. Beard,

It was put on striking out,

And carried in the affirmative.

The blank was then filled with the words above named.

The question recurring on the amendment moved by Mr. Owens as amended; and

A division thereof being demanded by Mr. Boon,

It was put on striking out the section,

And decided in the negative.

Mr. Read of D. and M. moved further to amend the bill, by adding the following:

"That public executions, in all cases hereafter for capital offences, be and the same are hereby abolished."

Mr. Kinney moved to amend said amendment by adding thereto the following: "And when sentence of death shall be pronounced, the court shall direct the sheriff to carry the sentence into execution, in the presence of some six persons to be designated by said court;"

Which motion was carried in the affirmative; and

The question being put on the amendment moved by Mr. Read of D. and M. as aended; and

The ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Beard, Brown, Casey, Coffin, Decker, Dumont, Galletely, Hall, Hamilton, Hendricks, Holman, Hoover, Kinney, Pitcher, Read of D. and M., Reid of F., Roe, Smiley, Stewart and Howk, Speaker—20.

And those who voted in the negative, are,

Messrs. Bell, Bence, Bentley, Boon, Bussell, Claypool, Dowden, Ferris, Gardner, Herod, Hillis, Lane, Levenworth, Long, Lowry, Lynd, McPheeters, Owens, Paddacks, Parks, Pollock, Russell, Schoonover, Semans, Skeen, Soper, Wallace of F., Wallace of J., Work, Wright and Zenor—31.

And so said motion was decided in the negative.

Mr. Craig moved to amend the bill, wherever it provides for inflicting the punishment of death, by substituting therefor imprisonment for life in the state prison or elsewhere, and

The ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Beard, Bell, Bentley, Boon, Brown, Casey, Claypool, Craig, Decker, Dumont, Hall, Hamilton, Holman, Hoover, Kinney, Long, Lowry, Lynd, Owens, Read of D. and M., Soper, Stewart, Zenor and Howk, Speaker—24.

And those who voted in the negative, are,

Messrs. Bence, Bussell, Coffin, Crume, Ferris, Galletely, Gardner, Hendricks, Herod, Hillis, Lane, Levenworth, McPheeters, Paddacks, Parks, Pitcher, Pollock, Reid of F., Roe, Russell, Schoonover, Semans, Skeen, Smiley, Wallace of F., Wallace of J., Work and Wright—28.

And so said motion was decided in the negative.

Mr. Bell moved to amend the bill by striking out the 66th section thereof, (which reads as above set forth) and by inserting in lieu thereof the following:

"If any person shall make any contention or disturbance at any public house, court, election, or other lawful public meeting, or any person who shall interrupt, molest, or disturb any religious society, or member thereof when meeting or met together for religious worship, or shall sell or give away, at any booth or open place, any ardent spirits or other intoxicating drink, within one mile of any place of a public religious meeting, shall be fined in any sum not less than one nor more than one hundred dollars: *Provided*, That such penalty shall not attach to any person lawfully licensed to retail, who may sell or retail at his or her usual place of doing business: and *provided*, also, that the before mentioned penalty shall not attach to any person who shall receive a permit from one or more regular preachers who may attend such meeting, for selling other drinks than ardent or distilled spirits, in strict conformity to such permit;" and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Bell, Craig, Decker, Dumont, Ferris, Galletely, Gardner, Hendricks, Hillis, Holman, Hoover, Levenworth, Long Paddacks, Read of D. and M., Reid of F., Roe, Russell, Semans, Wallace of J., Wright and Zenor—22.

And those who voted in the negative, are,

Messrs. Beard, Bence, Boon, Brown, Casey, Claypool, Coffin, Crume, Hamilton, Herod, Kinney, Lane, Lowry, Lynd, McPheeters, Owens, Parks, Pitcher, Pollock, Schoonover, Skeen, Smiley, Soper, Stewart, Wallace of F., Work and Hawk, Speaker—27.

And so said motion was decided in the negative.

On motion of Mr. Long,

The provision in the 66th section of said bill, which prohibits the sale of spirituous liquors in the vicinity of a worshipping assembly, was so amended as to extend that prohibition to all places within one mile of such assembly.

On motion of Mr. Ferris,

The rules of the House were dispensed with, and the amendments being considered as engrossed, the bill was read the third time and passed.

Ordered, That the clerk inform the Senate thereof and ask their concurrence in the amendments.

A message from the Senate, by Mr. Brown their enrolling secretary:

Mr. Speaker—

The Senate have appointed Messrs. Watts and Lomax a second committee of free conference, to take into consideration, in conjunction with a similar committee appointed on the part of the House of Representatives, the disagreeing votes of the two Houses relative to sundry amendments proposed by the Senate to the engrossed bill of the House of Representatives, entitled "An act for assessing and collecting the revenue."

They recede from their disagreement to the 4th amendment of the House of Representatives to the engrossed bill of the Senate, entitled,

An act to organize and regulate the militia of the state of Indiana.

A message from the Senate by Mr. Farnham their secretary:

Mr. Speaker—

The Senate have passed bills of the House of Representatives, entitled,

An act regulating the practice in chancery.

An act legalizing the proceedings of the the board of justices of St. Joseph county.

An act to legalize the proceedings of the Green county library, and for other purposes.

The two first with, the last without amendments.

They have passed an engrossed bill of the Senate, entitled

An act declaring certain streams therein named public highways, and for other purposes;

In which last named bill, and in the amendments to the preceding the concurrence of the House of Representatives is requested.

The amendments made by the Senate to the bill of the house first above named, were read and agreed to, except the sixth, which was agreed to with an amendment.

The amendment of the Senate to the bill of the house secondly above named,

Was read and agreed to.

Ordered, That the clerk inform the Senate thereof and ask their concurrence in the amendment made by the house to the said sixth amendment of the Senate to the first named bill.

The bill of the Senate named in said message, was twice read (the rules of the house having first been dispensed with) and laid on the table.

And then the House adjourned until Monday morning nine o'clock.

MONDAY MORNING, FEBRUARY 7, 1831.

The House met pursuant to adjournment.

Mr. Worth from the joint committee on enrolled bills, reported,

That they had compared the enrolled with the engrossed bills and joint resolutions, entitled,

An act for the incorporation of county libraries;

An act supplemental to an act concerning the town of Fort Wayne, approved January 3, 1829;

An act for the relief of Ruth Thompson of Wayne county;

An act legalizing the proceedings of the board of commissioners of Hendricks county;

An act supplementary to the act entitled, "an act authorising the sale of one of the reserved sections of land, in the reserved township of land in Monroe county, approved January 29, 1830;

An act regulating the taking up of animals going astray, and water craft and other articles of value adrift;

An act for the relief of insolvent debtors;

An act to legalize the proceedings of the trustees of the Green county library, and to provide for the election of president and trustees for the Owen county library;

An act legalizing the proceedings of the board of justices of St. Joseph county;

An act to establish a state road from Rushville in Rush county, to Greenfield in Hancock county;

An act to authorise the agent of the state for the town of Indianapolis, to lay off the lands belonging to the state into lots, and offer the same for sale; and

A joint resolution relative to the auditor of public accounts, And found the same truly enrolled, when

The Speaker signed said bills and joint resolution.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

On motion of Mr. Worth,

Ordered, That Mr. Hoover be added to the committee on enrolled bills, in place of Mr. Elliott, to whom leave of absence was heretofore given.

The Speaker presented a petition of "a citizen of Madison county," praying a repeal or modification of so much of the act concerning attorneys at law, as requires them to obtain a licence to practice, which was read, when,

On motion of Mr. Long,

Leave was given to him to withdraw the same from the house.

Mr. Russell presented a petition of James Johnson and others, praying an appropriation of money to open and improve a part of the state road from Andersontown to Indianapolis;

Which was read, when

Mr. Russell moved to refer it to the committee on roads;

Which motion was decided in the negative; and

On motion of Mr. Ferris,

Ordered, That said petition do lie on the table.

Mr. Hall made the following report:

"The judiciary committee to whom was referred a communication from his excellency, the Governor, enclosing a letter from the Hon. S. D. Ingham, secretary of the treasury of the United States, and the copy of another from the Hon. Richard Rush, late secretary of the treasury, on the subject of a debt this state once owed the United States, have had the subject under their consideration and directed me to report,

That on the day of the present month, they directed a letter to the hon. S. Merrill, treasurer of state, requesting information on the subject; from whom they received the following communication. [See accompanying letter.]

It will be seen by reference to a letter from the late secretary of the treasury of the United States, that the Governor of this state, was requested to pay to J. C. S. Harrison, the demand in question: which was accordingly done, as appears from the foregoing communication.

The above report was accompanied by a joint resolution of the General Assembly of the state of Indiana;

Which was read the first, second, and third times, (the rules of the House having first been dispensed with) and passed.

Ordered, That the clerk carry it to the Senate and ask their concurrence.

Mr. Lane after having obtained leave, presented a joint resolution of the General Assembly of the state of Indiana;

Which was twice read (the rules of the house having first been dispensed with) and

On motion of Mr. McPheeters,

Indefinitely postponed.

Mr. Hoover after having obtained leave, presented a bill relative to the office of the agent of state for the town of Indianapolis;

Which was twice read (the rules of the house having first been dispensed with) and

On motion of Mr. McPheeters,
Amended so as to fix the salary of the agent at \$300, instead of \$350, when

Mr. Wallace of J., moved that the further consideration thereof be indefinitely postponed, and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Bence, Bentley, Boon, Brown, Bussell, Claypool, Crume, Decker, Galletely, Gardner, Hamilton, Hendricks, Herod, Hillis, Holman, Levenworth, Long, Lynd, McNary, Padacks, Parks, Pollock, Schoonover, Skeen, Smiley, Soper, Wallace of J., Work Wright and Zenor—30.

And those who voted in the negative, are,

Messrs. Beard, Bell, Casey, Coffin, Craig, Dumont, Ferris, Hall, Hoover, Kinney, Lane, Lowry, M'Pheeters, Owens, Pitcher, Read of D. and M., Reid of F., Roe, Russell, Semans, Stewart Worth and Howk, Spaeker—23.

And so the further consideration of said bill was indefinitely postponed.

Mr. Wallace of J., made the following report;

"The committee of free conference appointed on the part of this house, to act with a similar committee on the part of the Senate, to take into consideration the disagreeing votes of the two houses on a joint resolution of the General Assembly relative to the Governor's house, report

That said committee cannot come to any agreement on the subject; they therefore ask to be discharged from the further consideration of the subject;

Which being read, the committee were discharged.

Ordered, That the clerk inform the Senate thereof.

On motion of Mr. Crume,

The engrossed bill from the Senate to incorporate the first school society in district No. 3, town 13, range 13, in Fayette county, heretofore laid on the table, was taken up and referred to a select committee of Messrs. Crume, Read of F., and Hoover.

Mr. Hall, after having obtained leave, presented a bill to incorporate the Princeton library company;

Which was three times read (the rules of the house having first been dispensed with) and passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence;

The House then proceeded to consider the orders of the day:
The bill to change the road commissioner on the state road leading from Indianapolis to Lafayette,

Was read the second time, and then,

The rules of the house being dispensed with, the said bill was considered as engrossed, read the third time and passed.

The bill to provide for the location of certain state roads therein named;

Was read the third time and passed.

Ordered, That said bills be entitled acts, and that the clerk carry them to the Senate and ask their concurrence.

Mr. Bussell moved that the bill to amend the act entitled "An act to establish a state road from Lake Michigan by way of Indianapolis, to some convenient point on the Ohio River," approved January 13, 1830, heretofore laid on the table, be taken up; and

The ayes and noes being demanded by two members,

Those who voted in the affirmative, are,

Messrs. Bence, Bentley, Bussell, Casey, Coffin, Decker, Hamilton, Herod, Lane, Lowry, Lynd, McPheeters, Owens, Paddacks, Parks, Pitcher, Read of D. and M., Roe, Schoonover, Smiley, Soper, Stewart, Work, Worth, Zenor and Howk, Speaker—26.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bell, Boon, Brown, Claypool, Craig, Crume, Dowden, Dumont, Ferris, Galletely, Gardner, Hall, Hendricks, Hillis, Holman, Hoover, Kinney, Levenworth, Long, M'Nary, Pollock, Reid of F., Russell, Semans, Skeen, Wallace of F., Wallace of J., and Wright—30.

And so said motion was decided in the negative,

Mr. Bussell moved to take up the memorial of the General Assembly on the subject of the Wabash and Erie canal, heretofore laid on the table, and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Bence, Bentley, Bussell, Casey, Coffin, Craig, Crume, Hamilton, Herod, Hoover, Lane, Levenworth, Lowry, Lynd, McPheeters, Paddacks, Parks, Pitcher, Read of D. and M., Roe, Schoonover, Smiley, Soper, Stewart, Work, Wright, Zenor and Howk, Speaker—28.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bell, Boon, Brown, Claypool, Decker, Dowden, Dumont, Ferris, Galletely, Gardner, Hall, Hendricks, Hillis, Holman, Kinney, Long, McNary, Owens, Pollock, Reid of F., Russell, Semans, Skeen, Wallace of F., Wallace of J. and Worth, —28.

And so said memorial was not taken up.

On motion of Mr. Ferris,

The engrossed bill from the Senate declaring certain streams therein named, public highways, and for other purposes, heretofore laid on the table, was taken up, and the rules of the House being dispensed with, was read the third time and amended by unanimous consent, when

Mr. Kinney moved to commit it to a select committee with instructions to amend it, by adding thereto the following proviso:

“Provided, That where the beds of any of the streams named in this act, have been sold by Government to individuals, this act shall not be so construed as to take from them their vested rights therein, without compensation to, or consent of the owner;” which passed in the affirmative.

Ordered, That Messrs. Kinney and Read of D. and M., be that committee;

Whereupon, after a short interval,

Mr. Kinney from the select committee last named, reported the said bill amended pursuant to instructions;

Which amendment was read and concurred in, and

The rules of the House being dispensed with, the bill was read the 3rd time and passed.

Ordered, That the clerk inform the Senate thereof and ask their concurrence in the amendment.

Mr. Russell moved the following resolution:

Resolved, That the committee on the affairs of the town of Indianapolis be instructed to inquire into the expediency of granting to the citizens of the town of Indianapolis, the liberty of making use of any timber they may find on the donation lands surrounding the town of Indianapolis for the purpose of erecting a market house in said town, with leave to report by bill or otherwise;

Which was read, and

On motion of Mr. McPheeters,

Ordered, That the further consideration be indefinitely postponed.

On motion of Mr. Kibney,

Resolved, That the enrolling clerk of this House be, and he is hereby authorised to employ as many assistants as will be necessary to enroll all the bills of this House by Thursday morning at five o'clock.

A message was received from the Governor by Mr. Heylin his private secretary, notifying that he did on this day approve and sign the following acts:

An act to establish a state road from William Connelly's, in Lawrence county, to Greencastle in Putnam county.

An act for the relief of John M. Coonfield.

An act regulating the fees and salaries of the several officers and persons therein named.

A message from the Senate by Mr. Morris, their assistant secretary.

Mr. Speaker—

The Senate concur in the 1st, 2nd, 6th, 10th, 11th, 14th, and 15th amendments proposed by the House of Representatives to the engrossed bill of the Senate entitled

An act organizing probate courts, and defining the powers and duties of executors, administrators and guardians:—they disagree to the 3rd, 4th, 7th, 8th, 9th, and 13th amendments proposed to said bill, and they concur in the 5th and 12th amendments to said bill, with amendments to the same respectively.

The House receded from the 3rd, 4th, and 9th, and insisted on the 7th and 8th amendments proposed by them to said bill.

Mr. Long moved that the House recede from their 13th amendment to said bill, which amendment is by striking out the 47th section thereof, which gives to the probate court exclusive jurisdiction in all suits and actions against executors and administrators upon any matter touching their representative character, and also in actions against executors, administrators and guardians, and their securities upon their official bonds, and

The ayes and noes being required thereon by two members, upon said motion to recede,

It was decided in the negative.

Mr. Long voting in the affirmative, and all the other members present, in the negative.

The several amendments of the Senate to the 5th and 12th amendments of the house to said bill were read and agreed to.

Ordered, That the clerk inform the Senate thereof.

And then the House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

A message from the Senate by Mr. Morris their assistant secretary:

Mr. Speaker—

The Senate insist on their disagreement to the 3rd and 6th amendments proposed by the House of Representatives to the engrossed bill of the Senate, entitled "An act incorporating congressional townships, and providing for public schools therein; and have appointed Messrs. Fletcher and Sering, a committee of free conference, to take into consideration in conjunction with a similar committee to be appointed by the House of Representatives, the disagreeing votes of the two houses in relation to said amendments:

They have passed without amendment an engrossed joint resolution on the subject of the revised laws.

They concur in the 2nd, 3rd, 5th, 6th, 7th, 8th, 9th and first part of the 10th amendments proposed by the House of Representatives to the engrossed bill of the Senate, entitled

An act relative to crime and punishment; and disagree to the 1st, 4th, and latter part of the 10th amendments proposed to said bill.

The Senate concur in the amendment proposed by the house to the 6th amendment of the Senate to the engrossed bill of the house, entitled "An act regulating the practice in chancery.

They also concur in the amendment proposed by the house to the amendment of the Senate to the engrossed bill of the House of Representatives, entitled "An act concerning tenants holding over.

The Senate have passed an engrossed bill from the House entitled "An act for the re-location of the county seat of Elkhart county with amendments, in which the concurrence of the House of Representatives is requested.

The Senate concur in the report of the committee of free conference, raised to consider the disagreement between the two houses relative to an amendment proposed to an engrossed joint resolution of the General Assembly, and continue to insist on their amendment to said joint resolution.

The House receded from their several amendments to the engrossed bill of the Senate, concerning crime and punishment above named.

The several amendments proposed by the Senate to the bill of the house last named in said message,

Were read and agreed to.

The house adhered to their disagreement to the amendment made by the Senate to the engrossed joint resolution of the house last named in said message.

On motion of Mr. Ferris,

Ordered, That a committee of free conference be appointed on the part of the House to take into consideration with the committee of the Senate named in said message, the disagreeing votes of the two houses in relation to the 3rd and 6th amendments proposed by the house to the engrossed bill of the Senate first in said message named;

Whereupon,

The Speaker appointed Messrs. Ferris and Wallace of F., that committee.

Ordered, That the clerk inform the Senate thereof.

Mr. Hall made the following report:

The committee of free conference on the part of the Senate and House of Representatives, to take into consideration the difference between the two houses in relation to the bill of the house for the assessing and collecting the revenue,

Report, that they cannot succeed in reconciling the differences between the two houses on the subjects in said bill;

They therefor ask to be discharged from the further consideration of the subject;

Whereupon, said committee were discharged.

Ordered, That the clerk inform the Senate thereof.

Mr. Kinney, after having obtained leave, presented a joint resolution concerning the canal commissioners;

Which was twice read (the rules of the House having first been dispensed with) when

Mr. Crume moved to amend it so as that the sale of the canal lands be suspended until the further order of the General Assembly, instead of the 1st of March 1832, as provided by the joint resolution;

Which motion passed in the affirmative.

The rules of the House were again dispensed with, and the joint resolution was read the third time and passed.

Ordered, That the clerk carry it to the Senate and ask their concurrence.

A motion was made by Mr. Lane to take up the bill supplemental to the act providing means for the construction of the Wabash and Erie canal;

Which was decided in the negative.

Mr. Ferris made the following report:

"The committee of free conference appointed on the part of the Senate and house of representatives, upon the subject matter of difference between the two houses upon the bill to incorporate congressional townships, and provide for public schools therein, have had the same under consideration, and have agreed that the House of Representatives recede from their third amendment, and that the Senate recede from their objection to the 6th amendment;"

Which was read and concurred in.

Ordered, That the clerk inform the Senate thereof.

Mr. Crume from the select committee to which was referred the engrossed bill from the Senate to incorporate the first school society in district No. 3, in town 13, range 13, in Fayette county, reported the same with one amendment,

Which was read and concurred in.

The rules of the house being then dispensed with, the said bill was read the third time and passed.

On motion of Mr. Crume,

The title thereof was amended by striking out thereof the words "in district No. 3, town 13, range 13."

Ordered, That the clerk inform the Senate of the passage thereof and ask their concurrence in the amendments.

A message from the Senate by Mr. Morris their assistant secretary:

Mr. Speaker—

The Senate have passed bills of the House of Representatives of the following titles, viz:

An act regulating grist-mills and millers;

An act for the formation of a new county north of the county of Madison;

An engrossed joint resolution relative to the printing of the laws, all with amendments;

In which the concurrence of the House of Representatives is requested.

The Senate continue to insist on their disagreement to the 7th, 8th, and 13th amendments of the house of representatives to the engrossed bill of the Senate, entitled,

An act to organize probate courts and defining the powers and duties of executors, administrators and guardians, and have appointed Messrs. Linton and Gregory a committee of free conference to take into consideration with a similar committee

of the House, the disagreeing votes of the two houses in relation thereto, and request the appointment of a committee on the part of the House.

They have discharged the committee of free conference raised to take into consideration the disagreeing votes of the two houses in relation to sundry amendments proposed by the Senate to the engrossed bill of the House of Representatives, entitled

An act for assessing and collecting the revenue:

They continue to insist on the 9th, 10th, and 21st amendments to said bill;

They have receded from their 15th amendment to the same;

They adhere to their amendment made to an engrossed joint resolution of the General Assembly.

The several amendments proposed by the Senate to the two first bills and joint resolution of the House were read and agreed to.

Ordered, That Messrs. Kinney and Dumont, be appointed a committee of free conference on the part of the House, to take into consideration with the above named committee of the Senate, the disagreeing votes of the two houses, relative to the 7th, 8th, and 13th amendments of the House to the engrossed bill of the Senate first above named.

Ordered, That the clerk inform the Senate thereof.

The House receded from their disagreement to the 9th amendment of the Senate to the bill of the House last in said message named.

Mr. Hoover moved that the House recede from their disagreement to the 10th amendment proposed by the Senate to said bill, which amendment is by making the collector's deed "prima facie," instead of "conclusive" evidence of the formality of a sale of land for taxes, and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Beard, Bence, Bentley, Claypool, Coffin, Craig, Dowden, Ferris, Galletely, Hamilton, Hendricks, Herod, Hillis, Holman, Hoover, Lane, Levenworth, Long, Lowry, M'Pheeters, Parks, Pollock, Reid of F., Schoonover, Smiley, Soper, Wallace of F., Wright and Zenor—29.

And those who voted in the negative are,

Messrs. Bell, Boon, Bussell, Casey, Crum, Decker, Gardner, Hall, Kinney, Lynd, Owens, Padlocks, Pitcher, Read of D. and M., Roe, Russell, Skeen, Stewart Wallace of J., Worth, and Hawk, Speaker—21.

And so the house receded from their disagreement to said amendment.

Ordered, That the clerk inform the senate thereof.

Mr. Lane moved that the house recede from their disagreement to the 21st amendment proposed by the Senate to said last named bill; which amendment is by striking out of the bill the provision that a grocery licence shall be a sum not less than the lowest tavern rates; and inserting in lieu thereof a provision that it shall not be less than ten dollars nor more than thirty, and

The ayes and noes being required by two members, on said question to recede,

Those who voted in the affirmative, are,

Messrs. Bentlèy, Boon, Bussell, Dowden, Ferris, Hall, Hamilton, Herod, Hoover, Kinney, Lane, Lynd, Paddacks, Pollock, Wallace of F., Worth, Wright and Zenor—18.

And those who voted in the negative, are,

Messrs. Beard, Bell, Bence, Casey, Claypool, Coffin, Crumè, Decker, Dumont, Gardner, Hendricks, Hillis, Holman, Leavenworth, Long, Lowry, McNary, McPheeters, Owens, Parks, Pitcher, Read of D. and M., Reid of F., Roe, Russell, Schoonover, Skeen, Smiley, Soper, Stewart Wallace of J., and Hawk, Speaker—32.

And so the House refused to recede from their said disagreement; and then,

On motion of Mr. Boon,

The house adhered to their disagreement to the amendment last aforesaid.

Ordered, That the clerk inform the Senate thereof.

Mr. Wallace of F., after having obtained leave, presented a bill changing the appropriation of a part of the three per cent. fund made by the act to improve the navigation of Lost River, White-water River, and other streams therein named, approved January 18, 1830;

Which was twice read (the rules of the house having first been dispensed with) when

Mr. McPheeters moved that the further consideration thereof be indefinitely postponed;

Which motion was decided in the negative; and then,

The rules of the house being again dispensed with, said bill was considered as engrossed, read the third time and passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence.

A message from the Senate by Mr. Morris their assistant secretary:

Mr. Speaker—

The Senate have receded from the 21st amendment proposed by them to the engrossed bill of the house of representatives entitled an act for assessing and collecting the revenue.

And then the House adjourned until to-morrow morning nine o'clock.

TUESDAY MORNING, FEBRUARY 8, 1831.

The House met pursuant to adjournment.

Mr. Dumont made the following report:

The committee of free conference, appointed on the part of the house to take into consideration the subject matter of the disagreement between the two houses on "A bill to organize probate courts, and defining the powers and duties of executors, administrators and guardians," have discharged that duty and agreed, with the committee of the Senate, to make the following report:

1st. That the House of Representatives recede from their 7th and 8th amendments; and

2d. That the following be inserted in the bill in lieu of the 47th section now in the bill, which was stricken out by the 13th amendment of the house:

"Sec. 47. The said probate courts are hereby invested with original jurisdiction in all suits at law and in chancery, upon all demands and causes of action against executors, administrators, guardians and their securities and representatives, arising upon any act done, duty omitted, forfeiture incurred, or liability suffered in the discharge of their said trusts, or any of them, and of those they represent; and the said courts are also hereby invested with all the powers usually exercised by courts at law and in chancery to carry these powers into full and complete effect;"

Which was read and concurred in.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Morris, their assistant secretary:

Mr. Speaker—

The Senate have passed bills of the House of Representatives entitled as follow:

An act to establish a state library.

An act providing for the incorporation of towns; and

An act for building a bridge across Lick creek, on the road leading from the High Banks of White river to Indianapolis—all with amendments; in which the concurrence of the House of Representatives is requested.

The amendments proposed by the Senate to the above named bills,

Were severally read and agreed to.

Ordered, That the clerk inform the Senate thereof.

A motion was made by Mr. Russell to take up the petition of James Johnson and others, relative to the Andersontown and Indianapolis state road, lying on the table;

Which did not prevail.

A message from the Senate by Mr. Morris their assistant secretary:

Mr. Speaker,

The Senate concur in the 1st, 2d and 3d amendments proposed by the House of Representatives to the bill of the Senate, entitled, "An act declaring certain streams therein highways," with an amendment to the 3d amendment.

They concur in the report of the joint committee of free conference, appointed to consider the disagreeing votes of the two houses relative to certain amendments proposed by the House of Representatives to the engrossed bill of the Senate, entitled, "An act to organize probate courts and defining the powers and duties of executors, administrators and guardians."

They concur in the amendments proposed by the House of Representatives to the bill of the Senate, entitled,

An act to incorporate the first school society in district number 3, in township 13, range 13, in Fayette county.

They have passed an engrossed bill of the House, entitled,

An act changing the appropriation of a part of the three per cent. fund made by the act to improve the navigation of Lost river, White water and other streams therein named, approved January 18, 1830,—without amendment.

They have passed an engrossed bill of the House of Representatives, entitled,

An act relative to county boundaries—with sundry amendments; in which and the preceding amendment to the amendment of the House of Representatives, their concurrence is requested.

The amendment made by the Senate to the 3d amendment of the house to the bill first in said message named, was read and agreed to.

The several amendments proposed by the Senate to the bill of the House last in said message named, were read and agreed to, except the 5th and 6th, to which the House disagreed.

Ordered, That the clerk inform the Senate thereof.

A Message from the Senate by Mr. Morris, their assistant secretary:

Mr. Speaker—

The Senate have passed engrossed bills of the House of Representatives of the following titles, to-wit:

An act respecting free negroes, mulattoes, servants and slaves.

An act to incorporate the Princeton Library company.

The first *with*, the second *without* amendments.

They have passed a joint resolution of the House of Representatives concerning the canal commissioners, without amendment.

The concurrence of the House of Representatives is requested in the amendments to the first named bill.

The several amendments made by the Senate to the bill of the house first above named,

Were read and agreed to.

Ordered, That the clerk inform the Senate thereof.

Mr. Hoover from the joint committee on enrolled bills, now reported,

That they did on this day present to the Governor for his approval and signature the following enrolled bills, to-wit:

An act to authorise the agent of the state for the town of Indianapolis, to lay off the lands belonging to the state into lots, and offer the same for sale;

An act legalizing the proceedings of the trustees of the Green county library, and to provide for the election of president and trustees for the Owen county library;

An act supplementary to an act entitled, "an act authorising the sale of the reserved sections of land, in the reserved township in Monroe county, approved January 29, 1830;

An act regulating the taking up of animals going astray, and other articles of value adrift;

An act for the incorporation of county libraries;

An act for the relief of insolvent debtors;

A joint resolution relative to the auditor of public accounts,

An act to establish a state road from Rushville in Rush county, to Greenfield in Hancock county;

An act legalizing the proceedings of the board of commissioners of Hendricks county;

An act legalizing the proceedings of the board of justices of St. Joseph county;

An act supplemental to an act concerning the town of Fort Wayne, approved January 3, 1829; and

An act for the relief of Ruth Thompson of Wayne county;

And then the House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

A message from the Senate, by Mr. Morris their assistant secretary:

Mr. Speaker—

The Senate have passed an engrossed bill of the House of Representatives, entitled,

An act to change the road commissioner on the state road leading from Indianapolis to Lafayette, without amendment. Also,

An act to establish and regulate ferries, with amendments.

Also, an engrossed bill of the Senate, entitled,

An act providing for the distribution of the laws and journals, and for other purposes;

In which, and the amendments to the preceding, the concurrence of the House of Representatives is requested.

They also passed bills of the House of the following titles:

An act for opening and repairing public roads and highways.

An act authorising the vacation of towns—both with amendments.

They have also passed an engrossed bill of the Senate, entitled,

An act supplemental to an act providing for a sale of the donation lands around Indianapolis.

They have also passed an engrossed bill of the House of Representatives, entitled,

An act to encourage the killing of wolves, with an amendment.

In which, and the preceding amendments and bill of the Senate, the concurrence of the House of Representatives is requested.

The senate have concurred in the report of the joint committee of free conference on the subject of the disagreement between the two houses relative to certain amendments proposed by the House of Representatives to the engrossed bill of the Senate, entitled,

An act incorporating congressional townships and providing for public schools therein.

They insist on the 5th and 6th amendments proposed by them to the engrossed bill of the House of Representatives, entitled, An act relative to county boundaries.

They have passed an engrossed bill of the House of Representatives, entitled,

An act to authorise William Polke to convey certain lands to Jane Shuler, without amendment.

The amendments proposed by the Senate to the bills of the House, secondly, thirdly and fifthly in said message named,

Were read and agreed to.

Ordered, That the clerk inform the Senate thereof.

Before the question was put on the amendment proposed by the Senate to the bill of the house fourthly in said message named, it was

Ordered, That said bill and proposed amendment do lie on the table.

The bill of the Senate first named in said message, was twice read (the rules of the house having first been dispensed with) and committed to a committee of the whole house for this day.

The bill of the Senate supplemental to an act providing for a sale of the donation lands around Indianapolis named in said message,

Was twice read (the rules of the house having first been dispensed with) when

Mr. Crume moved to amend it by striking out the second section thereof, which reads in the words following, to-wit:

"Sec. 2. That for the year one thousand eight hundred and thirty-one, the salary of the said agent shall be three hundred dollars, payable out of the Indianapolis fund; which shall be in full of all his services, including the additional duties devolving on him by the sale of the donation lands, together with all extra duties enjoined upon him; and in full of all claims for office rent;"

Which motion was decided in the negative.

Mr. Ferris moved to amend said bill so as to direct the agent to close the doors and windows and to take the care of the Governor's house;

Which passed in the affirmative.

The said amendment was then ordered to be engrossed and the bill read a third time to-morrow.

The house receded from their disagreement to the 5th and 6th amendments made by the Senate to the bill of the house relative to county boundaries, named in said message.

Ordered, That the clerk inform the Senate thereof.

A message was received from the Governor by his private secretary, announcing, that pursuant to the resolutions of the house, the memorial and joint resolution for relief of John Kimberlin, a revolutionary soldier had been sent to him, but that the petition and affidavits not having been given to him, they are yet uncopied; and that he has delayed transmitting the copies of the memorial and joint resolution to our Senators and Representatives in Congress, until the petition and affidavit be given him by the House.

Also, a communication in writing, as follows:

INDIANAPOLIS, IND'A., FEBRUARY 8, 1831.

HON. ISAAC HOWK, *Speaker*
of the House of Representatives:

SIR—At the request of the officers of the American Colonization society, for promoting the abolition of slavery, I have the honor of laying before the House of Representatives the enclosed memorial just received, with a request that it will give the same that consideration which its importance demands.

I have the honor to be, Sir,

Very respectfully,

Y'r most ob't. serv't.,

J. BROWN RAY."

Which, together with the memorial under cover thereof, were read and laid on the table.

The House then resolved itself into a committee of the whole on the engrossed bill from the Senate, providing for the distribution of the laws and journals, and for other purposes; and after sometime spent therein, the speaker resumed the chair, and Mr. Wallace of J. reported the same without amendment.

Mr. Boon then moved to amend the bill by striking out so much of the 6th section thereof, as provides that the members of the two houses of the General Assembly, and the secretaries and clerks thereof shall have each a copy of the laws; and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Boon, Craig, Galletely, Hamilton, Hendricks, Kinney, Levenworth, Parks and Pitcher—9.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bell, Bence, Brown, Bussell, Casey, Claypool, Coffin, Crume, Decker, Dumont, Ferris, Gardner, Hall, Herod, Hillis, Holman, Hoover, Lane, Long, Lowry, Lynd, McNary, McPheeters, Owens, Paddacks, Pollock, Read of D. and M., Reid of F., Roe, Russell, Schoonover, Semans, Skeen, Smiley, Soper, Stewart, Wallace of F., Wallace of J., Work, Worth, Wright, Zenor and Hawk, Speaker—45.

And so said motion was decided in the negative.

On motion of Mr. Wright,

The said bill was so amended as to allow the door-keepers of the houses, each a copy of the laws.

The rules of the house then being dispensed with, the said amendment was considered as engrossed, and the bill read the third time and passed.

Ordered, That the clerk inform the Senate thereof and ask their concurrence in the amendment.

On motion of Mr. Crume,

The engrossed bill of the house to authorise the vacation of towns, together with the amendment proposed thereto by the Senate, laid on the table this day, were taken up.

Mr. Crume moved to amend the said amendment of the Senate, so as to provide that when any street is vacated, the property thereof shall revert to the original owner of the land, instead of vesting in the owner of adjacent lots, as is by the amendment of the Senate provided;

Which motion was decided in the negative.

Mr. Ferris moved to amend the said amendment of the Senate, in that clause which provides that before any vacation is ordered, the consent of certain persons (therein disclosed) shall be obtained, by inserting after the word "vacation," the words "of such street or alley;"

Which motion passed in the affirmative; and then

The amendment of the Senate as amended was agreed to by the house.

Ordered, That the clerk inform the Senate thereof.

Mr. Worth, from the joint committee on enrolled bills, reported,

That they had compared the enrolled with the engrossed bills and joint resolution entitled,

An act concerning tenants holding over;

An act regulating the practice in chancery;

An act to provide for the commencement of a State House:

An act regulating grist mills and millers; and
 A joint resolution relative to the printing of the laws;
 And found the same truly enrolled; when
 The Speaker signed said bills and joint resolution.
Ordered, That the clerk carry them to the Senate for the signature of their president.

Mr. Read of D. and M. moved the following resolution:
Resolved, That the Senate be informed that the House of Representatives are through with their legislative business, and on their part are ready to adjourn; and that the Senate be requested to inform this house at what time they will be ready to adjourn *sine die*.

Before the question was put thereon,
 The house adjourned until to-morrow morning nine o'clock.

WEDNESDAY MORNING, FEBRUARY 9, 1831.

The House met pursuant to adjournment.

Mr. Worth from the joint committee on enrolled bills, reported,

That they had compared the enrolled with the engrossed bills and joint resolutions, entitled,

An act concerning the corporation of the town of Lawrenceburgh;

An act appropriating money to erect a bridge over Lick Creek, in Owen county, and for other purposes;

An act changing the appropriation of a part of the three per cent. fund, made by the act to improve the navigation of Lost River, White-water, and other streams therein named, approved January 18, 1830;

An act to establish a state library;

An act for the formation of the county of Grant, and for attaching certain territory therein named;

An act for the relief of the poor;

An act to change the road commissioner on the state road leading from Indianapolis to Lafayette;

An act to encourage the killing of wolves;

An act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses, or masonic lodges; also, a joint resolution on the subject of the revised laws, and

A joint resolution concerning the canal commissioners,
And found the same truly enrolled, when
The Speaker signed said bills and joint resolutions.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

On motion of Mr. Worth,

The rules of the house were dispensed with, two thirds concurring therein, and Messrs. Wallace of J., and Hall, were added to the committee on enrolled bills.

Mr. Hoover, after having obtained leave, presented a bill to establish a state road from Centreville to Winchester, and from Centreville to Washington,

Which was three times read (the rules of the house being dispensed with) and passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence;

The house resumed the consideration of the resolution moved yesterday by Mr. Read of D. and M., relative to adjourning sine die, depending at the last adjournment, and

On motion of Mr. Kinney,

The same was laid on the table.

The house then proceeded to consider the orders of the day:

The engrossed bill from the Senate, supplemental to an act providing for a sale of the donation lands around Indianapolis,

Was read the third time and passed.

Ordered, That the clerk inform the Senate thereof and ask their concurrence in the amendment.

Mr. Stewart moved the following resolution,

Which was unanimously agreed to, (Mr. Hillis occupying the chair instead of the Speaker:)

Resolved, That the thanks of this house be presented to the Hon. Isaac Howk, for the dignified and impartial manner in which he has presided over its deliberations, during the present session.

A message from the Senate by Mr. Morris their assistant secretary:

Mr. Speaker—

The Senate have passed bills of the Senate entitled as follows:

An act dividing the state into judicial circuits, and fixing the times of holding courts therein, and for other purposes;

An act authorizing the reprinting of sundry acts and for other purposes;

The Senate disagree to the amendment proposed by the house to the bill of the Senate entitled,

"An act providing for the distribution of the laws and journals, and for other purposes;"

They agree to the amendment proposed by the House to the amendment proposed by the Senate to the engrossed bill of the House entitled, "An act to authorise the vacation of towns;

They have passed an engrossed bill from the House of Representatives, entitled "An act for the re-location of the county seat of Boon county," with amendments;

In which the concurrence of the House of Representatives is requested.

The bill of the Senate first named in said message,

Was twice read (the rules of the house having first been dispensed with) and

On motion of Mr. Beard,

Was so amended as that the courts in Warren county shall occur on Thursdays of the week after the court in Fountain, instead of on the Thursdays after the court in Fountain.

Mr. Wallace of J., moved to refer the bill to a select committee;

Which motion was decided in the negative.

Mr. Long moved to lay the bill on the table;

Which motion did not prevail.

The amendment was then considered as engrossed and the bill read the third time and passed.

Ordered, That the clerk inform the senate thereof, and ask their concurrence in the amendment.

The bill of the Senate secondly in said message named,

Was twice read (the rules of the House having first been dispensed with,) and committed to a committee of the whole house for this day.

The house receded from their amendment to the bill of the Senate thirdly in said message named.

The amendment proposed by the Senate to the bill of the House last named in said message,

Was read and agreed to.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Morris, their assistant secretary:

Mr. Speaker—

The Senate have passed a joint resolution of the General

Assembly on the subject of certain public offices, originating in the Senate.

They have passed a bill of the house of representatives entitled,

"An act to provide for the location of certain state roads therein named, with amendments.

The joint resolution above named,

Was three times read (the rules of the House having first been dispensed with,) and passed.

The amendments proposed by the Senate to the bill of the House named in said message, were severally read and agreed to.

Ordered, That the clerk inform the Senate thereof.

The House then resolved itself into a committee of the whole on the engrossed bill from the Senate authorising the re-printing of sundry acts and for other purposes; and after some time spent therein, the speaker resumed the chair, and Mr. Read of D., and M., reported the same with several amendments,

Which were read and concurred in.

The bill was then read the third time and passed.

Ordered, That the clerk inform the Senate thereof and ask their concurrence in the amendments.

A message was received from the Governor by Mr. Heylin his private secretary, notifying that he did on this day approve and sign the following acts, to-wit:

An act to establish a state road from Rushville in Rush county, to Greenfield in Hancock county;

An act legalizing the proceedings of the board of justices of St. Joseph county;

An act legalizing the proceedings of the board of commissioners of Hendricks county;

An act supplemental to an act concerning the town of Fort Wayne;

An act to legalize the proceedings of the trustees of the Green county library, and to provide for the election of president and trustees for the Owen county library;

An act to authorise the agent of the state for the town of Indianapolis to lay off the lands belonging to the state, into lots, and offer the same for sale;

An act regulating the taking up of animals going astray, and water craft and other articles of value adrift;

An act supplementary to an act entitled, "an act authorising the sale of one of the reserved sections of land, in the reserved township of land in Monroe county, approved January 29, 1830;

Also a joint resolution relative to the auditor of public accounts,

Mr. Hoover from the joint committee on enrolled bills, reported,

That they did on this day present to the Governor for his approval and signature the following enrolled bills, to-wit:

An act concerning tenants holding over;

An act regulating the practice in chancery;

An act regulating grist mills and millers;

An act to provide for the commencement of a State House;

And a joint resolution relative to the printing of the laws;

A message from the Senate by Mr. Farnham their secretary:

Mr. Speaker—

The Senate have passed an engrossed bill of the Senate, entitled,

An act for the regulation of the state prison; also,

A bill of the house of representatives, entitled,

An act establishing certain state roads therein named and for other purposes, with amendments; in which and in the passage of the preceeding bill the concurrence of the house of representatives is requested.

The bill of the senate above named,

Was twice read (the rules of the house having first been dispensed with) and committed to a committee of the whole house for this day.

The several amendments made by the senate to the bill of the house above named,

Were read and agreed to.

Ordered, That the clerk inform the Senate thereof.

The house then resolved itself into a committee of the whole on the engrossed bill from the senate for the regulation of the state prison, and after some time spent therein, the speaker resumed the chair, and Mr. Wallace of F., reported the same with two amendments;

Which were read and concurred in.

The rules of the house then being dispensed with, the amendments were considered as engrossed, the bill read the 3rd time and passed.

Ordered, That the clerk inform the senate thereof and ask their concurrence in the amendments.

Mr. Hoover from the joint committee on enrolled bills reported,

That they did on this day present to the Governor for his approval and signature, the following enrolled bills:

An act for the relief of the poor;

An act changing the appropriation of a part of the three per cent. fund, made by the act to improve the navigation of Lost River, White-water, and other streams therein named, approved January 18, 1830;

An act to establish a state library;

An act concerning the corporation of the town of Lawrenceburgh;

An act for the appointment of trustees to receive deeds for lots of lands given or purchased for the use of schools, meeting houses, or masonic lodges;

An act to encourage the killing of wolves;

An act appropriating money to erect a bridge over Lick Creek, in Owen county, and for other purposes;

An act for the formation of the county of Grant, and for attaching certain territory therein named;

An act to change the road commissioner on the state road leading from Indianapolis to Lafayette; and

A joint resolution on the subject of the revised laws.

On motion of Mr. Soper,

The house re-considered their vote on the passage of the engrossed bill from the Senate dividing the state into judicial circuits, and fixing the times of holding courts therein, and for other purposes.

The said bill was then amended by unanimous consent, and passed.

Ordered, That the clerk inform the senate thereof and ask their concurrence in the amendments.

On motion of Mr. Russell,

The petition of James Johnson and others was taken up, and referred to a select committee of Messrs. Russell and Crume;

And then the House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from the secretary of state, representing the necessity of a more spacious office to contain the books of the state library.

A message from the Senate, by Mr. Farnham, their secretary:

Mr. Speaker—

The Senate have passed a joint resolution of the General Assembly for printing certain acts therein named, originating in the Senate;

Also an engrossed bill of the House of Representatives, entitled,

An act to establish a state road from Centreville to Winchester, and from Centreville to Washington, without amendment:

They refuse to concur in the amendment proposed to the engrossed bill of the Senate entitled,

An act supplemental to an act providing for the sale of the donation lands around Indianapolis;

They have passed an engrossed bill of the House of Representatives, entitled,

An act to appropriate part of the three per cent. fund with amendments, in which, and in the passage of the preceding joint resolution, the concurrence of the House of Representatives is requested.

The House receded from their amendment to the engrossed bill from the Senate first named in said message.

Ordered, That the clerk inform the Senate thereof.

Several amendments were proposed and adopted to the first amendment proposed by the Senate to the bill of the House last named in said message; when

Mr. Galletely moved further to amend said proposed amendment, so as to make the following appropriation of the three per cent. fund in Green county:

To building a bridge across Eel River, fifty dollars; Caleb Jessup, commissioner.

To building a bridge across Richland Creek, on the contemplated road from Bono to Terre-Haute, and improving the same, two hundred; Buel Leonard, commissioner.

Appropriation of the three per cent. fund in Owen county:

To building a bridge across Fish creek, ninety dollars; John Johnson commissioner.

To building a bridge across Rattle-snake creek, fifty dollars; Stephen Barnes, commissioner.

To building a bridge across Lewiston Creek, fifty dollars; David Goss, commissioner.

To building bridges across two creeks on the state road leading from Spencer to Indianapolis to John Davis' tavern, in the vicinity of Spencer, forty dollars; under the direction of the board doing county business.

The balance of the above fund to be appropriated on state roads and bridges thereon, by the board doing county business.

And after some discussion thereon, the previous question was demanded by three members, which was put, to-wit:

Shall the main question be now put? and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Bell, Bence, Boon, Brown, Bussell, Casey, Coffin, Craig, Crume, Ferris, Gardner, Hall, Hamilton, Hendricks, Herod, Hoover, Kinney, Lane, Long, M'Pheeters, Paddacks, Parks, Pitcher, Pollock, Read of D. and M., Reid of F., Roe, Semans, Skeen, Smiley, Soper, Stewart Wallace of F., Work, Worth, and Wright—37.

And those who voted in the negative are,

Messrs. Beard, Bentley, Claypool, Decker, Dowden, Dumont, Galletely, Hillis, Levenworth, Lowry, McNary, Owens, Russell, Schoonover, Wallace of J., and Zenor—16.

And so said previous question was carried in the affirmative.

The main question was then put, to-wit:

Will the House concur in said first amendment of the Senate as amended?

Which amendment of the Senate was by striking out the bill of the House from its enacting clause, and inserting in lieu thereof a substitute, the provisions of which are, that \$400 be appropriated out of the three per cent. fund, to each county in the state, now formed, or hereafter to be formed; and

The ayes and noes being called for by two members,

Those who voted in the affirmative, are,

Messrs. Bell, Bence, Boon, Brown, Casey, Coffin, Craig, Crume, Dumont, Galletely, Gardner, Hall, Hamilton, Hendricks, Herod, Hillis, Kinney, Lane, Long, Lowry, Lynd, McPheeters, Owens, Parks, Pitcher, Read of D. and M., Reid of F., Roe, Russell, Semans, Skeen, Smiley, Soper, Stewart, Wallace of F., Wallace of J., Work and Worth,—38.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bentley, Bussell, Claypool, Decker, Dowden, Ferris, Hoover, Levenworth, McNary, Paddacks, Pollock, Schoonover, Wright and Zenor—16.

And so the House agreed to the said first amendment of the Senate as amended.

The second amendment made by the Senate to said bill,
Was read and agreed to.

Ordered, That the clerk inform the Senate thereof and ask their concurrence in the amendment made by the House to the first amendment of the Senate above named.

A message from the Senate by Mr. Morris their assistant secretary:

Mr. Speaker—

The Senate concur in the amendments proposed by the House of Representatives to the engrossed bill of the Senate, entitled,

An act for the regulation of the state prison:

They concur in the first amendment proposed by the House of Representatives to the engrossed bill of the Senate, entitled,

An act dividing the state into judicial circuits, and fixing the times of holding circuit courts therein, and for other purposes, and disagree to the second amendment proposed to said bill:

They have passed bills of the Senate of the following titles:

An act to provide for a state road from Spencer, in Owen county, *via* Bowling-green to Terre-Haute, and

An act providing means to erect a bridge over the west fork of White-water River, at Connersville:

They concur in the amendments proposed by the House of Representatives to the engrossed bill of the Senate, entitled

“An act (printing bill.)”

The House insisted on their second amendment to the bill of the Senate secondly in said message named.

Ordered, That Messrs. Long and Semans, be appointed a committee of free conference on the part of the House to take into consideration with a similar committee of the Senate, the disagreeing vote of the two Houses relative to said amendment, and that the Senate be informed thereof, and a similar committee on their part requested.

The bill of the Senate first named in said message, wherein the concurrence of the House is requested, was twice read and

On motion of Mr. Galletely,

Amended so as not to authorise the commissioner therein named, to employ surveyors and axe-men; when

Mr. McPheeters moved to postpone the bill indefinitely;

Which passed in the affirmative.

The bill of the Senate lastly in said message named,

Was three times read (the rules of the House having first been dispensed with) and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Russell from the select committee to which was referred the petition of James Johnson and others, reported a bill to change the commissioner on a certain state road in Marion county, and for other purposes;

Which was twice read, and

On motion of Mr. Levenworth,

Was amended by adding a section appointing Julius Woodford a commissioner, to appropriate an unexpended balance of an appropriation made on Blue river at the session of 1828.

The said bill was then considered as engrossed, read the third time and passed.

Ordered, That it be entitled an act, and that the clerk carry it to the Senate and ask their concurrence;

Mr. Long from the select committee to which were referred sundry bills making appropriations out of the three per cent. fund, reported the same without amendment.

Ordered, That the further consideration of said bills be indefinitely postponed.

Mr. Long from the same committee, to which was referred the bill to establish a state road from the Tobacco Landing, to Corydon, reported the same with one amendment,

Which was read and concurred in.

The said bill was then considered as engrossed, read the third time and passed.

Ordered, That it be entitled an act. and that the clerk carry it to the Senate and ask their concurrence.

Mr. Wallace of J., from the committee on enrolled bills reported,

That they have compared the enrolled with the engrossed bills, entitled,

An act to authorise William Polke to convey certain land to Jane Shuler;

An act to establish and regulate ferries;

An act respecting free negroes, mulattoes, servants and slaves,

And find the same correctly enrolled; when

The Speaker signed said bills:

Ordered, That the clerk carry them to the Senate for the signature of their president.

A motion was made by Mr. Dumont to take up the resolution heretofore moved by Mr. Dowden, relative to the late supreme judges;

Which motion was decided in the negative.

A message from the Senate by Mr. Farnham, their secretary:

Mr. Speaker—

The Senate have passed an engrossed bill of the House of Representatives entitled,

An act making specific appropriations for the year 1831, with amendments:

They have passed a bill of the House to establish a state road from the Tobacco Landing on the Ohio River, by way of Laconia, to Corydon in Harrison county; also,

An engrossed bill to change the commissioner on a certain state road in the county of Marion, and for other purposes, both without amendment.

They have appointed Messrs. Worth and Fletcher a committee of free conference, to take into consideration the disagreeing votes of the two Houses in reference to an amendment proposed by the House of Representatives to an engrossed bill of the Senate, entitled,

An act dividing the state into judicial circuits and fixing the times of holding courts, and for other purposes.

The first amendment proposed by the Senate to the bill of the House first above named,

Was read and agreed to.

Ordered, That the clerk inform the Senate thereof.

The second amendment proposed thereto by the Senate,

Was read, when

Mr. Armstrong moved to amend the same by striking out so much thereof, as makes an allowance to David Hoover, clerk of the Wayne circuit court, for his fees in a case of the state on the relation of S. Merrill, treasurer, as the collector of said county; and to certain other persons for transporting public arms; and

The ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Bence, Bentley, Brown, Bussell, Dow, den, Ferris, Galletely, Gardner, Lane, Long, Lowry, Lynd, McNary, McPheeters, Owens, Paddacks, Parks, Pollock-Reid of F., Schoonover, and Smiley—22.

And those who voted in the negative, are,

Messrs. Beard, Bell, Casey, Coffin, Crume, Decker, Dumont, Hall, Hendricks, Hillis, Holman, Hoover, Kinney, McNary, Pitcher, Read of D. and M., Roe, Russell, Semans, Soper, Stewart, Wallace of F., Wallace of J., Worth, Wright, Zenor, and Howk. Speaker—26.

And so said motion was decided in the negative.

The said amendment of the Senate was then agreed to.

Ordered, That the clerk inform the Senate thereof.

Mr. Long made the following report:

The committee of free conference to whom was referred the subject matter of difference between the two Houses in relation to the act entitled "An act dividing the state into judicial circuits, and fixing the times of holding circuit courts therein, and for other purposes, have agreed to strike out all the amendment made by the House except the word Grant, and have agreed to insert the following:

"And the circuit court in the county of Grant shall hold its session on the third Mondays of August, at the house of David Branson, in said county, until otherwise provided by law; and said court shall sit three days if the business require it;"

Which was read and concurred in.

Ordered, That the clerk inform the Senate thereof.

On motion of Mr. Hillis,

The engrossed joint resolution from the Senate for the relief of certain persons therein named, heretofore laid on the table was taken up, and the rules of the House being dispensed with, was read the third time and passed.

Ordered, That the clerk inform the Senate thereof.

On motion of Mr. Zenor,

The resolution moved by Mr. Read of D. and M., on yesterday relative to adjourning without day, which was laid on the table this morning, was taken up and agreed to.

A message from the Senate by Mr. Farnham their secretary.

Mr. Speaker—

The Senate have agreed to the 1st second and 4th amendments proposed by the House to the first amendment made by the Senate to the engrossed bill of the House, entitled,

An act making an appropriation of a part of the three per cent fund;

They have also agreed to the third amendment proposed by the House to the said first amendment of the Senate to said bill, with an amendment in which the concurrence of the House of Representatives is requested.

The amendment of the Senate last named, was read and agreed to.

Ordered, That the clerk inform the Senate thereof.

Mr. Hoover, from the committee on enrolled bills, reported, That they did on this day present to the governor for his approval and signature, the following enrolled bills, to-wit:

An act to establish and regulate ferries;

An act respecting free negroes and mulattoes, servants and slaves;

An act to authorise William Polke to convey certain lands to Jane Shuler;

And then the House adjourned until to-morrow morning nine o'clock.

THURSDAY MORNING, FEBRUARY 10, 1831.

The House met pursuant to adjournment.

Mr. Worth from the joint Committee on enrolled bills reported,

That they had compared the enrolled with the engrossed bills and joint resolutions entitled,

An act to organize and regulate the militia of the state of Indiana.

An act to establish a state road from Centreville to Winchester, and from Centreville to Washington.

An act to incorporate the Princeton library company.

An act providing means to erect a bridge over the West Fork of White Water river at Connersville.

An act to incorporate the first school society in Fayette county.

An act declaring certain streams therein named public highways.

A joint resolution of the General Assembly on the subject of certain public officers, and

A joint resolution of the General Assembly for printing certain acts therein named;

And found the same truly enrolled, when

The Speaker said bills and joint resolutions.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

A message from the Senate by Mr. Morris their assistant secretary:

Mr. Speaker—

The Senate have passed engrossed bills from the House of Representatives entitled as follow:

An act to establish a state road from Jehu Perkins' in Rush county to Napoleon in Ripley county.

An act to locate a state road from Miamiesport in Cass county, to intersect the Michigan road in a direction to the Southern Bend of St. Joseph river, where said road crosses the Tippecanoe river.

An act compensating George Pea for extra causewaying on the state road from Brookville to Indianapolis.

An act to provide for changing a part of the state road from Terre-Haute through the New Discovery.

The 1st and 3d with, and the latter without amendments.

The Senate concur in the report of the committee of free conference, appointed to take into consideration the disagreeing votes of the two houses on the engrossed bill of the Senate entitled "An act dividing the state into judicial circuits and fixing the times of holding circuit courts therein, and for other purposes."

The amendments made by the Senate to the bills of the house above in said message named, were read and agreed to.

Ordered, That the clerk inform the Senate thereof.

The Speaker laid before the house a petition of sundry citizens of Mong-go-qui-nong and Pretty prairies, praying a state road from the northern line of the state, through the centre of the three prairies, in a direction to Fort Defiance; and also a remonstrance of sundry citizens of Elkhart county, against the same; which were read and laid on the table.

Mr. Wallace of J., from the committee on enrolled bills reported,

That they have compared the enrolled with the engrossed bills of the following titles, viz:

An act for assessing and collecting the revenue.

An act providing for the incorporation of towns.

An act to establish a state road from the Tobacco landing on the Ohio river, by the way of Laconia, to Corydon in Harrison county.

An act to establish certain state roads therein named, and for other purposes-

An act to provide for the location of certain state roads therein named.

An act to change the commissioner on a certain state road in the county of Marion, and for other purposes.

An act relative to county boundaries.

An act to authorise the vacation of towns.

An act to provide for the distribution of the laws and journals, and for other purposes;

And foundt the same correctly enrolled, when

The Speaker signed said bills.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

On motion of Mr. Hall, (two-thirds of the members concurring therein,) Messrs. Kinney, Owens and Schoonover were added to the committee on enrolled bills.

Mr. Hall from the joint committee on enrolled bills reported,

That they have compared the enrolled with the engrossed bill entitled,

An act regulating the jurisdiction and duties of justices of the peace; and found the same truly enrolled, when

The Speaker signed said bill.

Ordered, That the Clerk carry it to the Senate for the signature of their President.

Mr. Galletely from the select committee to which were referred a resolution relative to a state road from Brookville to Terre-Haute, and a petition of citizens of Decatur county, reported that it was inexpedient to legislate on that subject at this time; which was read and concurred in.

Mr. Hoover from the joint committee on enrolled bills reported,

That they did on this day, present to the Governor for his approval and signature, the following enrolled bills, entitled acts, to-wit:

An act relative to county boundaries.

An act regulating and organizing the militia of the state of Indiana.

An act to incorporate the first school society in Fayette county.

An act to establish a state road from Centreville to Winchester, and from Centreville to Washington.

An act providing means to erect a bridge over the West Fork of White Water river at Connersville.

An act to incorporate the Princeton library company.

An act declaring certain streams therein named public highways, and for other purposes.

A joint resolution of the General Assembly for printing certain acts therein named; and

A joint resolution of the General Assembly on the subject of certain public officers.

An act providing for the incorporation of towns.

An act establishing certain state roads therein named, and for other purposes.

An act to authorise the vacation of towns.

An act to establish a state road from the Tobacco landing on the Ohio river, by the way of Laconia, to Corydon in Harrison county.

An act to provide for the location of certain state roads therein named.

An act to provide for the distribution of the laws and journals, and for other purposes.

An act to change the commissioner on a certain state road in the county of Marion, and for other purposes.

An act regulating the jurisdiction and duties of justices of the peace.

An act for collecting and assessing the revenue.

A Message from the Senate by Mr. Morris, their assistant secretary:

Mr. Speaker—

The Senate have passed a bill supplemental to an act entitled "An act to provide for the re-location of the seat of justice of Fountain county," passed the present session of the General Assembly; in which the concurrence of the House of Representatives is requested.

The above named bill was three times read (the rules of the house having first been dispensed with) and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Worth, from the joint committee on enrolled bills, reported,

That they had compared the enrolled with the engrossed bills, entitled,

An act relative to crime and punishment.

An act making specific appropriations for the year 1831.

An act for the re-location of the county seat of Elkhart county;

And found the same truly enrolled; when

The Speaker signed said bills.

Ordered, That the clerk carry them to the Senate for the signature of their president.

Mr. Hendricks asked and obtained leave to withdraw two petitions of citizens of Decatur county, praying an appropriation to aid in building a bridge over Clifty creek.

Mr. Worth from the joint committee on enrolled bills, reported,

That they had compared the enrolled with the engrossed bills, entitled,

An act compensating George Pea for extra causewaying on the state road from Brookville to Indianapolis.

An act to locate a state road from Miamiesport in Cass county to intersect the Michigan road in a direction to the Southern Bend of the Big St. Joseph river, where said road crosses the Tippecanoe river.

An act for the regulation of the state prison.

An act to provide for changing a part of the state road from Terre-Haute, through the New Discovery to Crawfordsville;

And found the same truly enrolled, when

The Speaker signed said bills.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

Mr. Wallace from the committee of enrolled bills, reported,

That said committee have examined an enrolled bill which originated in this House, entitled,

An act to appropriate part of the three per cent. fund and for other purposes; and compared the same with the engrossed bill, and find the same truly enrolled; when

The Speaker signed said bill.

Ordered, That the Clerk carry it to the Senate for the signature of their President.

Mr. Wallace of J. from the committee on enrolled bills reported, that they have compared the enrolled with the engrossed bill, entitled,

An act supplemental to an act providing for the sale of the donation lands around Indianapolis; and

A joint resolution of the General Assembly for the relief of certain persons therein named; and find the same truly enrolled, when the Speaker signed said bill and joint resolution.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

Mr. Owens from the joint committee on enrolled bills report,

That they had compared the enrolled with the engrossed bills, entitled acts, as follow, to-wit:

An act supplemental to an act entitled, "An act for the relocation of the seat of justice of Fountain county. passed at the present session of the General Assembly.

An act for opening and repairing public roads and highways; and

An act to establish a state road from Jehu Perkins' in Rush county to Napoleon in Ripley county;

And had found the same truly enrolled; when

The Speaker signed said bills.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

Mr. Hoover from the joint committee on enrolled bills, now reported,

That they did on this day present to the Governor for his approval and signature the following enrolled bills, to-wit:

An act making specific appropriations for the year 1831.

An act relative to crimes and punishments.

An act appropriating part of the three per cent. fund, and for other purposes.

An act to provide for changing a part of the state road from Terre-Haute through the New Discovery to Crawfordsville.

An act for the regulation of the state prison.

An act to locate a state road from Miamiesport in Cass county, to intersect the Michigan road in a direction of the Southern Bend of the Big St. Joseph's river, where said road crosses the Tippecanoe river.

An act for the re-location of the county seat of Elkhart county.

An act compensating George Pea for extra causewaying on the state road from Brookville to Indianapolis.

An act supplemental to an act providing for the sale of the donation lands around Indianapolis; and

A joint resolution of the General Assembly for the relief of certain persons therein named.

And then the House adjourned until 1 o'clock P. M.

1 o'clock P. M.

The House met pursuant to adjournment.

Mr. Wallace of J., from the joint committee on enrolled bills reported, that they did, on this day, present to the Governor for his approval and signature the following enrolled bills, to-wit:

An act to establish a state road from Jehu Perkins' in Rush county to Napoleon in Ripley county.

An act for opening and repairing roads and highways.

An act supplemental to an act entitled, "An act to provide

for the re-location of the seat of justice of Fountain county, passed at the present session of the General Assembly.

Mr. Wallace of J., from the committee on enrolled bills reported,

That they have compared the enrolled with the engrossed bill of the following title, to-wit:

An act authorising the re-printing of sundry acts and for other purposes.

And find the same correctly enrolled; when

The Speaker signed said bill:

Ordered, That the clerk carry it to the Senate for the signature of their president.

A message was received from the Governor by Mr. Heylin his private secretary, announcing that he did on this day approve and sign the following acts and joint resolutions, to-wit:

A joint resolution concerning the canal commissioners.

A joint resolution on the subject of the revised laws.—Also,

An act to provide for the commencement of a State House.

An act to encourage the killing of wolves.

An act to provide for the location of certain state roads therein named.

An act to change the commissioner on a certain state road in the county of Marion, and for other purposes.

An act appropriating money to erect a bridge over Lick Creek, in Owen county, and for other purposes.

An act concerning tenants holding over.

An act making a specific appropriation for the year 1831.

An act to establish a state road from the Tobacco landing on the Ohio river, by the way of Laconia, to Corydon in Harrison county.

An act for the formation of the county of Grant, and for attaching certain territory therein named.

An act changing the appropriation of a part of the three per cent. fund, made by the act to improve the navigation of Lost River, White-water, and other streams therein named, approved January 18, 1820.

An act to establish and regulate ferries.

An act to authorise William Polke to convey certain lands to Jane Shuler;

An act respecting free negroes and mulattoes, servants and slaves.

An act to establish a state library.

An act to change the road commissioner on the state road leading from Indianapolis to Lafayette.

An act concerning the corporation of the town of Lawrenceburgh.

An act regulg the practice in chancery.

An act to authorise the vacation of towns.

An act establishing certain state roads therein named, and for other purposes.

An act regulating grist mills and millers.

A joint resolution relative to the printing of the laws.

An act providing for the incorporation of towns.

An act to incorporate the Princeton library company.

An act compensating George Pea for extra causewaying on the state road, from Brookville to Indianapolis.

An act to establish a state road from Centreville to Winchester, and from Centreville to Washington.

An act for the relocation of the county seat of Elkhart county.

An act to provide for changing a part of the state road from Terre-Haute through the New Discovery to Crawfordsville.

An act to appropriate part of the three per cent. fund and for other purposes.

An act for opening and repairing public roads and highways.

An act to establish a state road from Jehu Perkins' in Rush county to Napoleon in Ripley county.

An act for assessing and collecting the revenue.

An act relative to county boundaries.

An act to locate a state road from Miamiesport in Cass county to intersect the Michigan road in a direction to the Southern Bend of the Big St. Joseph river, where said road crosses the Tippecanoe river.

An act relative to crime and punishment.

An act for the regulation of the state prison.

An act regulating the jurisdiction and duties of justices of the peace.

An act to organize and regulate the militia of the state of Indiana.

Mr. Schoonover from the joint committee on enrolled bills, reported, that they did, on this day present to the Governor for his approval and signature, the following enrolled bill, entitled an act, to wit:

An act authorising the re-printing of sundry acts, and for other purposes.

Mr. Schoonover, from the committee on enrolled bills, made the following report:

Mr. Speaker—

The joint committee on enrolled bills, have compared the enrolled with the engrossed bill, entitled,

An act incorporating congressional townships and providing for public schools therein; and found the same truly enrolled;

When the Speaker signed said bill.

Ordered, That the Clerk carry it to the Senate for the signature of their President.

Mr. Worth from the committee on enrolled bills, reported,

That they have compared the enrolled with the engrossed bills entitled as follow, viz:

An act to organize probate courts, and defining the powers and duties of executors, administrators and guardians.

An act dividing the state into judicial circuits, and fixing the times of holding courts therein, and for other purposes;

And found the same truly enrolled, when

The Speaker said bills.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

On motion of Mr. Hills,

Resolved, That there be a committee appointed on the part of this House, to act in conjunction with a similar committee on the part of the Senate, to wait upon the Governor and inform him that both Houses have gone through with their legislative business, and are now ready to adjourn *sine die*, if he has no further communications to make to them; that the Senate be informed of the adoption of this resolution, and a similar one on their part be requested.

Ordered, That Messrs. Hills and Gardner be that committee on the part of the House.

Mr. Schoonover from the joint committee on enrolled bills, reported that they did, on this day, present to the Governor for his approval and signature the following enrolled bill entitled an act, to-wit:

An act incorporating congressional townships and providing for public schools therein named.

An act fixing the times of holding courts in the several judicial circuits in this state, and for other purposes.

An act to organize probate courts, and defining the powers and duties of executors, administrators and guardians.

A message from the Senate by Mr. Morris their assistant secretary:

Mr. Speaker,

The Senate have adopted the following resolution:

Resolved by the Senate, That the resolution of the House of

Representatives be reciprocated, appointing a committee to wait on His Excellency the Governor and inform him that both Houses, having gone through their business, are now ready to adjourn, and to know of him whether he has any further communications to make to them; and that Messrs. Claypool and Frisbie are appointed said committee.

Mr. Hillis from the joint committee appointed to wait on the Governor, in pursuance of the resolution adopted by the two Houses, on that subject, reported, that said committee had performed the duty assigned, and have received for answer, that he cannot say whether he has any other communication to make or not, until a report be made by the Secretary of State.

On motion of Mr. Wallace of J.,

Resolved, That the Senate be informed that the House of Representatives have gone through with the business before them, and are now ready to adjourn *sine die*; and that a similar resolution on their part be requested.

A message from the Senate by Mr. Morris their assistant secretary:

Mr. Speaker—

The Senate have adopted the following resolution:

Resolved, That the House of Representatives be informed that the Senate reciprocate their resolution relative to adjournment; and that the Senate are now ready to adjourn *sine die*.

Mr. Hillis then moved that the House do now adjourn *sine die*: when

The Speaker rose from the chair and addressed the House as follows:

Gentlemen of the House of Representatives:

The labors of the session are now closed, and with mingled emotions of joy and grief, we will soon separate from this theatre of our public action, to resume again the walks of private life in the bosoms of our respective families and friends.

Permit me to embrace this opportunity to tender you my most sincere thanks for the very kind assistance you have at all times promptly rendered me in the discharge of the arduous duties of the chair, for the innumerable evidences of your personal friendship and esteem, so strongly manifested on all occasions, and more especially for the very flattering manner in which you have been pleased to notice my services in the resolution recently adopted. Be assured, gentlemen, the recollection of those distinguished marks of confidence and esteem will be cherished with the most lively feelings of gratitude until the last period of my life.

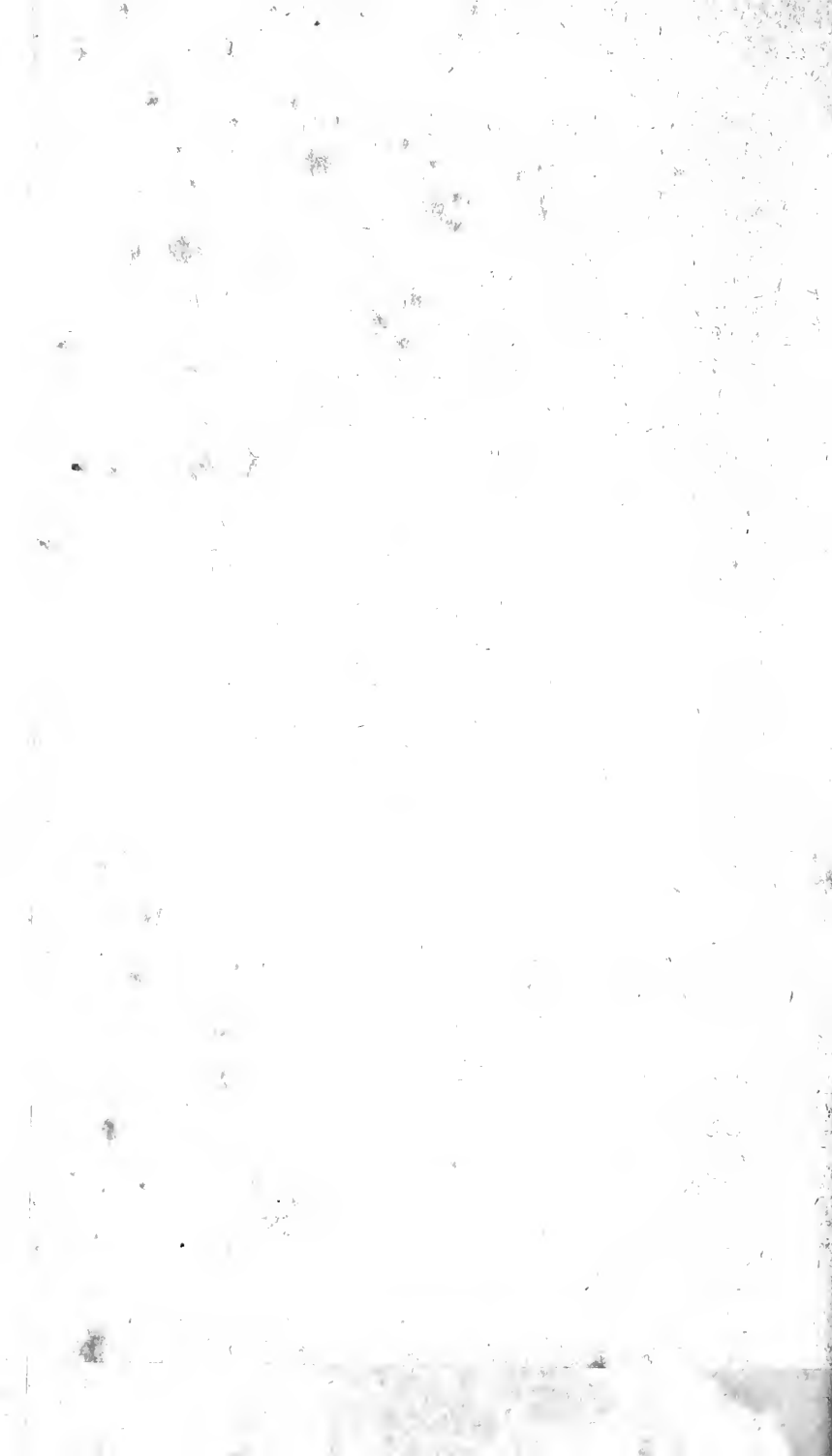
Although our session has been protracted to an unusual length, yet it may be deemed a short time for the herculean labor of a revision of our laws; and if our enactments shall not stand the scrutiny of talents and test of time, full sure I am, that they are the result of unceasing labor and reflection, prompted by an ardent desire to promote the best interest of the state.

Gentlemen, accept, each of you, assurances of my high esteem and personal friendship, the ardent wish of my heart that you may have a pleasant journey to your respective homes, and that you may there receive from your constituents, that reward of all others most highly prized by the public man, and which you so richly merit, the heart-cheering salutation, "*Well done thou good and faithful servant!*"

And then the House adjourned *sine die*.

WILLIAM SHEETS,

Clerk of the House of Representatives.





APPENDIX (A.)

House of Representatives,

SATURDAY, DECEMBER 11, 1830.

TREASURER'S REPORT.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Herewith is submitted, to be laid before the House, the annual Report of the Treasurer—The Loan Office Report—The list of Borrowers of Seminary Funds—The Contingent Expenses, and the cost of Stationary, &c.

I have the honor be, &c.

SAML. MERRILL.

TREASURY DEPARTMENT, Dec. 10, 1830.

The Treasurer, in obedience to the directions of the "Act concerning the Auditor of Public Accounts and Treasurer of State," respectfully submits the following report of the public revenue and expenditure, from Dec. 5, 1829 to Dec. 4, 1830:

Cash on hand 5th Dec. 1829,	\$161 43 68
Receipts from that day to 4th Dec. 1830,	
the assessment of 1820,	16 43
" " 1822,	69 11
" " 1823,	72 20
" " 1825,	620 00
" " 1826,	621 76
" " 1827,	181 29
" " 1829,	
including unlisted lands not previously reported to Auditor,	29386 04
From assessments for 1830,	3846 22
From the late and present Agent for Indianapolis,	3330 95
From Commissioners of Seminary Townships,	4552 83
From the sale of land mortgaged to Loan Office,	405 00
From the sale of Canal lands,	18700 25
Loans refunded,	1290 16
Interest on loans,	1542 40
Militia fines,	40 33
Penalty of late collector of Switzerland,	8 29

Rents of salt spring reserves,	90 85
Estates without heirs, -	50 77

Making in all, \$75468 16

Payments from the Treasury during the foregoing period.

To the Adjutant and Quarter Master Generals,	\$154 86
For advertising the Presidential election,	10 00
Salaries of Circuit Prosecutors, - -	1037 55
Executive officers,	2361 05
Judiciary, - - - -	5566 76
For transporting convicts to state prison,	507 32
For state library,	113 12
To superintendents of salt spring reserves, -	30 00
For printing and stationary, - - - -	3336 21
Compensation of Probate Judges, - - -	1273 50
Wolf scalps, - - -	636 50
To members, clerks, &c. of late legislature,	12041 02
Contingent expenses, - - -	1026 08
Specific appropriations, - - -	1202 64
Indianapolis expenditures, - - -	398 92
Michigan road, - - - -	1184 50
Wabash and Miami Canal, - - -	1902 56
State Seminary, - - - -	2676 64
Loans and amount to be paid on sale of mortgag- ed land, }	5928 00
Militia Fines distributed,	21 00

Making in all, \$41468 23

Which leaves in the treasury, 34059 93

75468 16

The cash on hand is liable to outstand warrants	\$265 04
Salaries of Judges due but not audited, -	2275 00
Prosecutors, - - -	202 70
Specific Appropriation, - - -	360 00
Claims of Probate Judges (estimate) -	1500 00
Wabash and Miami Canal fund, - -	15806 69
Indianapolis " - -	6765 65
Militia fines, - - - -	561 85

making \$27736 93

Which deducted from the cash on hand, 6323 00

The revenue of 1830 to be paid subsequent to
the 4th inst. will probably amount to 29700 00

Making for the current expenses of the year, \$36023 00

These expenses may be estimated, as follows:

To judges and prosecutors,	2200 00
The executive,	2200 00
Printing and stationery,	3300 00
Legislative expenses,	1600 00
Contingent,	1000 00
Militia,	150 00
State prison,	750 00
Wolf scalps,	800 00
Probate judges,	3000 00

\$34000 00

Which will leave in the treasury, Dec. 1, 1831, 2023 00.

Respectfully submitted,

SAM'L. MERRILL.

*Report in relation to the Loan Office from 4th December 1829,
to December 1830.*

Received from James Borland Commissioner of the Seminary Township, in Monroe,	}	3061 83
From James Smith Commissioner of the Semi- nary in Gibson,		
Loans refunded by Messrs. Hoffman, Barns, Beeler, Sumner, McClelland, Brentons', Hill, Myers and True.	}	1290 16
Interest paid on Loans,		
" " on purchase money of land sold on credit,		42 30
From land sold for non payment of interest		405 00
		<hr/> \$7790 39

During the above period Loans have been made as per list accompanying, to the a- mount of	}	5508 00
Amount to be paid for Wilson's land, sold for non payment of interest,		
Salary and allowance to Superintendent		86 76
Appropriation to Claudius G. Brown,		300 00
Paid to Recorder of Gibson		70 75
" " Monroe,		13 16
Salary of the President and Professors,		2000 00
		<hr/> \$8404 64

From the returns of Mr. Borland Commissioner of the town-
ship in Monroe, it appears that he had sold previous to the
27th Nov. 1830, 206 half quarter sections for \$35133,80 of
which there had been paid to him as principal \$14617,72
and \$3544,49 as interest. In addition to the above, said Bor-

land exposed to sale on the first Monday of May last one of the reserved sections pursuant to the law of last session and one half of it was sold for \$2564,18. The other half remains unsold for want of purchasers. From the returns of Mr. Smith Commissioner of the Township in Gibson, it appears that he had sold previous to the 10th of November last, 144 half quarter sections for \$18702,19 of which there has been paid as principal \$7555,50, 1368,78, as interest. There are still unsold in said Townships 155 half quarter sections, including 20 half quarters in the reserved sections near the College.

The state of the College fund is as follows:

Rents paid by Emmersson and Smith,	\$119 00
Paid by Neely, Smith & Wilson for lands } sold in 1822,	2371 96
Received by Borland, as principal	14617 72
" " interest,	3544 49
" Smith, Principal,	7555 50
" " Interest,	1368 78
Interest paid by state and individuals,	4622 70
There is now due, as principal, in Monroe T.	20526 17
" " Gibson,	11146 69
Estimated interest,	1700 00

\$67573 01

Deductions from the foregoing,	
Specific allowances by the legislature,	620 19
Allowances to superintendent.	232 24
to recorders of Gibson & Monroe	150 77
Orders of the College Trustees,	4919 31
Amount liable to be retained by the commis- } sioners for their services,	1209 18
Balance in favor of the College,	60441 32

67573 01

The above does not contain the amount for which the section adjoining Bloomington was sold in 1821—nor that for which the half section was sold in May last, as the proceeds of those lands have been applied to the college buildings.

On Saturday the 4th inst. the lands mortgaged by Daniel S. Lane and James Noble were, after being duly advertised, offered for sale, for non-payment of the interest. The tract mortgaged by Mr. Lane was struck off to Samuel Goslee, for \$600, for which he has made a deposit sufficient it is believed to insure the payment. No bid being made for the other tract, either in cash or on credit, the superintendent concluded not to strike it off to the state until its value could be ascertained, and how far recourse could be had on the mortgagor, such a case provided the property pledged should prove insufficient. The occurrence of such a circumstance calls, it is believed, for an amendment of the law, in relation

to the Loan Office. It is respectfully suggested whether appraisers of property ought not to be made personally liable where their valuation is not fairly made.

Respectfully submitted,
SAML. MERRILL, Superintendent.

List of the Borrowers of the Seminary Fund.

Samuel & Glidden True,	-	-	\$320,00
David Buchanan,	-	-	50,00
Samuel True Sen.	-	-	100,00
George Haney,	-	-	50,00
Jacob Turner,	-	-	200,00
Amos Robertson,	-	-	300,00
John Dupauw,	-	-	500,00
John Johnson,	-	-	300,00
Thomas Johnson,	-	-	150,00
James Gregory,	-	-	200,00
John H. Farham,	-	-	200,00
William Sanders,	-	-	500,00
William Goodrich,	-	-	375,00
Joseph Miller,	-	-	200,00
John Reel,	-	-	80,00
Solemon Reel,	-	-	100,00
John Hager,	-	-	300,00
Robert Wade,	-	-	300,00
Francis McClelland,	-	-	133,00
Daniel Skelley,	-	-	25,00
John Richey,	-	-	125,00
George W. Hardin,	-	-	200,00
Bazil Brown,	-	-	500,00
John Ketley,	-	-	50,00
Elias Poston,	-	-	250,00

The above is correct.

S. MERRILL.

*Payments out of the Contingent Fund, from the 6th Dec. 1829 to
4th Dec. 1830.*

1829, Dec. 16,	To Jacob Fallis, attending Court Martial.	\$ 1 50
	Moses Frazee, desk for auditor,	8 50
" " 20	Philip Hedges for packing Laws,	3 38
" " "	Thomas C. Stewart attending } sundry, Court Martials, }	12 00
1830 Jan. 15	Samuel Henderson public postage,	89 19
" " 30	J. P. Griffith Copying Resolutions	14 17
" " "	Thomas Sharpe, " " "	19 37
" " "	Wm. H. Morrison, " " "	6 50
" " "	M'Carty & Williams for stationary	9 63
" " "	Conner & Harrison, " " "	7 13
" " "	John Cain Blank Book for Secry	7 50
" May "	George L. Kinnard, pursuing fugitive,	30 00
" " "	Saml. Henderson for postage,	33 04
" " "	Wm. H. Morrison for copying,	1 00
" " "	Wm. Lewis for list of Relinquished } lands, }	65 00
" " "	P. S. Symmes " " "	60 00
	M. Morris for copying lists of Rel. } Lands, }	125 00
	Saml. Henderson for postage	70 75
	George L. Kinnard pursuing fu- } gitive, }	50 00
	John Baddollet for list af Relin } quished Lands }	90 00
	Robt. Patterson for packing laws,	6 00
	E. M. Patterson for carriage,	54
	Wm. Young attending C. Martial,	3 00
	J. Blake for books & carriage,	44 95
	Thomas Ketero, for carriage,	1 25
	Jno. Cain, for binding,	25 32
July,	M. Morris for making lists of re- } linquished lands, }	90 00
	Brown & Morrison, for stationary,	12 69
Aug.	Saml. Henderson for postage	44 32
Nov.	J. P. Griffith for making outlist } &c. }	2 50
	John Mansfield carriage of Mi lita- } ry Tactics, }	15 00
	A. F. Morrison printing Michigan } Road scrip, }	25 00
	J. P. Griffith for making out list } of Canals &c. }	2 50
	Morrison and Kinnard for printing,	22 50
	John Mansfield for carriage of } Military Tactics, }	9 00

Douglass & Maguire for printing	}	6 50
Mich. Road Hand bill,		
I. N. Phipps for Stationary		3 75
John Cain for blank book for Sec.		8 00

The above is correct.

S. MERRILL.

Expense of Stationary during the year 1830, paid since report of last year.

L. & N. Lodge's bill for boxes for paper,		\$ 3 50
1830, Jan. 18, Bo't of Loring and Rowan,		
30 reams Medium, No. 5,	3 00	90 00
2 boxes,		1 50
Feb. 16, 36 reams No. 4, royal,	3 50	126 00
2 boxes,		1 75
Jan. 30, 1830, Bo't of William Sheets,		
120 reams royal No. 3,	4 25	510 00
150 " Med. " 5,	3 00	450 00
20 " cold pressed post,	3 75	75 00
20 " " "	3 25	65 00
10 " cap. No. 3,	2 75	27 50
3 " Royal Envelope	5 15	00
February 9, 1830, paid John Brandon for carriage,		15 00
Paid Geo. W. Gibbs,		12 90
September 7, " Beattie,		9 36
18, " Daniel Clausser,		2 25
October 17, " Robert Goudy,		53 00
September 29, Bo't of Wm. Sheets,		
34½ reams med. No. 5,	3	102 75
8 " royal,	3, 4 25	34 00
Nov. 20, 1830, Paid Joshua Glover, for carriage,		13 05

1607 56

The above is correct.

S. MERRILL.

G. SMITH—State Printer.

A Statement

Of the Situation of the 3 per Cent. Fund, December 1, 1830.

No. Road.	Road commissioners.	Appropriation to each road.	Drafts paid.	Balances due.
2	John I. Neely,	6767 38	6767 38	
3	Archibald Campbell,	2708 87	2569 41	139 46
4	Andrew Cavitt,	2709 57	2709 57	
5	Isaac Montgomery,	3079 24	3079 24	
6	William M-Cornick,	4928 93 ¹ / ₂	4376 31	552 62 ¹ / ₂
7	Michael Buskirk,	4835 01	4834 09 ¹ / ₂	914 15 ¹ / ₂
8	Ezekiel Blackwell,	7563 69	7145 54	418 15
9	Richard Beem,	8506 96	8506 96	
10	William Richards,	2674 00	2199 76	474 24
11	J. G. Clendenin & C. Berkshire,	4990 63	4990 63	
12	Samuel Gwathmey,	2712 23	2576 19	136 04
13	John M. Lemon,	3250 80	3250 80	
14	Gara Davis,	3033 80	2988 26	45 54
15	William C. Bramwell,	5750 57	5750 50	07
16	Simcon Slawson,	3166 62	3166 55	07
17	John Walker,	6333 33	6333 33	
18	David Mount,	3862 44	3862 41	
19	Stanhope Royster,	3842 40	3842 40	
20	John C. Kibby,	4192 75	3932 14	260 61
21	John Way,	2672 56	2672 56	
22	James Blake.	807 80 ¹ / ₂		

G. SMITH—State Printer.

Statement Of the Situation of the 3 per Cent. Fund, December 1, 1830.

No. Invol.	Road commissioners.	Appropriations on to each road.	Drafts paid.	Balances due.
2 John I. Neely,		666 38	6767 38	
3 Archibald Campbell,		2708 87	2569 41	139 46
4 Andrew Cavitt,		2709 57	2709 57	
5 Isaac Montgomery,		3079 24	3079 24	
6 William McCornick,		4928 934	4376 31	552 624
7 Michael Baskirk,		4835 01	4834 091	914
8 Ezekiel Blackwell,		7563 69	7145 54	418 15
9 Richard Beem,		8306 96	8306 96	
10 William Richards,		2674 00	2109 76	474 24
11 J. G. Clendenin & C. Berkshire,		4890 63	4990 63	
12 Samuel Grathney,		2712 23	2576 19	136 04
13 John M. Lemoo,		3250 80	3250 80	
14 Gara Davis,		5750 57	5750 50	45 54
15 William C. Bramwell,		3166 62	3166 55	07
16 Simon Slawson,		6333 33	6333 33	
17 John Walker,		3862 44	3862 41	
18 David Mount,		3842 40	3842 40	
19 Stanhope Royster,		4192 75	3992 11	200 61
20 John C. Kibby,		2672 56	2672 56	
21 John Way,		897 204	637 304	
22 James Blake,		1000 00	1000 00	
23 John Barcklow,		437 071	17 071	
24 Franklin F. Sawyer,		4675 86	147 34	1525 52
25 Vabash Fund,		441 32	211 08	230 24
26 Robert McIntire,		2423 25	1698 22	725 03
27 George Ewing,		1009 37	1009 21	16
28 James Ball,		1738 35	1738 35	
29 William Sanders,		550 00	500 00	50 00
30 William Caswell,		111 00	114 00	
31 Wm. Polk, (special appropriation),		1000 00	569 73	430 27
32 Reuben Bates & Alanson Warner,		1506 92	1506 92	
33 Regin Davis & Joseph Nicholas,		50 00	50 00	
34 Chester Elliott,		1240 00	1240 00	
35 Wm. H. Heath & Jordan Wright,		1149 00	667 74	481 26
36 M. Shortridge Z. Beckwith J. Scott		1066 774	732 88	333 89
37 George Piercy,		1000 00	1000 00	
38 James McFarland & Joseph Hill,		100 00	100 00	
39 Elias Poston,		332 00	330 00	
40 Adam Shoemaker,		50 00	50 00	
41 Jonathan John,		250 00	250 00	
42 James Barnett,		500 00	500 00	
43 Jacob Andrick,		1000 00	1000 00	
44 John Denny,		1560 00	1500 00	
45 Amos Robertson,		200 00	200 00	
46 Thomas Gillam,		500 00	500 00	
47 Joseph Potts,		1000 00	1000 00	
48 Thomas Crane,		800 00	800 00	
49 Daniel Henton,		500 00	500 00	
50 John McCullough,		750 00	750 00	
51 Meredith Gosey,		1500 00	1500 00	
52 William McCreery,		100 00	100 00	
53 Charles Martin,		100 00	100 00	
54 William Diekey,		125 00	125 00	
55 Mount Vernon to Collins' ferry,		300 00	300 00	
56 Bridge over Fallcreek,				
<i>Rivers.</i>				
1 Samuel Cobb,		300 00	300 00	
2 Joseph Baugh,		300 00	300 00	
3 Hugh Moore,		200 00	200 00	
4 John Blackeman,		225 00	225 00	
5 Jacob Goodlander,		175 00	175 00	
6 John Norris,		100 00	100 00	
7 James Duckworth,		100 00	100 00	
8 James Alexander,		300 00	300 00	
9 John Ritzley,		150 00	150 00	
10 Orson Willard,				
		\$119536 08	109728 99	9807 09

Received from Treasury of the U. S. in June 1832	\$33679 46
May, 1823	17857 84
March, 1824	11462 73
April, 1825	10798 09
May, 1826	7176 97
March, 1827	7352 54
May, 1828	8887 75
July, 1829	8902 11
April, 1830	14226 83
Received from State Treasury on ac. of Canal Fund	119204 32
see Acts 1828.	2550 00

Retained to meet Agents Com.	121814 32
	2675 22
Postage paid Samuel Henderson up to July 5th, 1830	119169 40
	7 88
	119161 22

Stationary up to July 1830	50 00
Desk & case for Agent's office	15 00
18 days services in Settling with Coms. (in part) 96 00	131 00
Appropriated over the sum drawn from the Treasury	505 86
Apportioned to different Roads & rivers	
Coms. Drafts Rep. last year	91724 29
Drafts since paid and now reported	15001 70
	109728 99

Balance that would be on hand had there been a sum sufficient to meet the appropriations } 9807 09

Appropriated over the Amount drawn from the Treasury } 505 86

Remaining on hand
Respectfully submitted
B. J. ELVTIN, Agent for Ct. Fund.
December 1, 1830.

APPENDIX (B.)

House of Representatives.

SATURDAY, DECEMBER 11, 1830.

In obedience to an act approved January 23d, 1829, I make the following Statement of Settlements made with Road Commissioners and the balances due at the time settlement was made.

Date of settlement.	No of Road	Drafts paid.	Expended by Com. in open. & imp.	Coms. services.	Survey- or Chain men & Marker	Damage Award- ed Individ- uals	Al. read Com. sec 30 page 126.	Post. on let. due from Agent	Balance from Commis- sioners	Bal. due Coms	
1829, Dec. 19	2	6531 09	5172 60	850 00	230 00	138 46		1 09	79 00		
" Sep. 18	3	1374 23	756 92	274 62	146 00		23 70	1 06	317 93		Second Board.
" Dec. 23	4	1822 66	1288 06	344 75	36 00			1 50	42 35		First Board.
" Sep. 22	4	747 50	521 10	87 00	36 00	78 20		1 12	21 08		Second Board
" " 19	5	2920 71	2266 94	225 75	80 00			1 55	345 47		
" " 12	7	4211 09	2996 16	987 50	141 00	108 50					
1830, Jan. 14	8	7191 91	5933 40	615 25	190 00	51 04			399 22		
1829, Sep. 30	9	8260 02	5592 65	1293 25	330 25	72 45	30 00		951 42		
" Oct. 1	10	2199 76	1745 76	301 50	81 00	20 92	10 00		40 58		
" Dec. 29	11	4402 25	3617 72	531 41	133 25	112 01		1 50	6 36		
" " "	13	2829 66	2256 98	279 25	74 50	218 93					
1830, Oct. 30	14	2828 82	2265 82	412 00	71 00						
" " "	16	3166 62	2669 21	418 19	52 37				59 00		

(C.)

REPORT

OF

CANAL COMMISSIONERS.

HOUSE OF REPRESENTATIVES,
December 19, 1830.

TO THE GENERAL ASSEMBLY OF THE STATE OF
INDIANA.

The Commissioners of the Wabash and Erie canal respectfully report, that in May last they were organized as a Board under the provisions of the canal law of the last session of the Legislature, and immediately made arrangements to procure an Engineer to superintend the construction of the canal in Indiana, convinced that a sound regard to economy required the work to be entrusted to competent hands, they omitted no labour which was supposed necessary to accomplish that object.—From an extensive correspondence in relation to canals in various places, an opinion was clearly formed that for prudence in the management, economy in the construction of canals, and satisfaction with the persons employed, the school of Engineers in Ohio had been particularly fortunate; which with their acquaintance with the prices of labour, cost of materials in the western country, and persons qualified to construct the various works of canal, as well as from the fact, that the particular work which each Engineer had performed, was well known to the Board, it determined them if possible to procure an Engineer from that quarter. With some difficulty they engaged Joseph Ridgway, jr. Esq. who had superintended extensive and difficult portions of the Ohio canals from their first location to their final completion. Scientific acquirements of the

APPENDIX(B.)

House of Representatives.

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Date of settlement.	per page	Drafts paid.	Expend by Com. in open. & imp.	Coms. services.	Survey- or Chain men & Marker	Damage Award- ed Individ- uals	Al. read Com. sec Acts page 126.	Post. on let. due from Agent	Balance due from Commis- sioners	Bal. due Coms	
1829, Dec. 19	2	6531 09	5172 60	850 00	290 00	133 40		1 09	79 00		
" Sep. 18	3	1374 23	756 93	274 62			23 70	1 06	317 93		Second Board.
" Dec. 23	4	1822 66	1288 06	344 75	146 00			1 50	42 35		First Board.
" Sep. 22	4	747 50	521 10	87 00	36 00	78 20		1 12	21 08		Second Board
" " 19	5	2920 71	2366 94	225 75	80 00			1 55	345 47		
" " 12	7	4211 09	2996 16	987 50	141 00	108 50				22 07	
1830, Jan. 14	8	7191 91	5933 40	615 25	190 00	54 04			390 22		
1829, Sep. 30	9	8260 02	5392 65	1203 25	330 25	72 45	20 00		951 42		
" Oct. 1	10	2199 76	1745 76	301 50	81 00	20 92	10 00		40 58		
" Dec. 29	11	4102 25	3617 72	531 41	133 25	112 01		1 50	6 36		
" " "	13	2829 66	2256 98	279 25	74 50	218 93					
1830, Oct. 30	14	2323 82	2265 82	412 03	71 00				50 00		
" " "	16	3163 62	2669 21	418 19	52 37		25 60	1 25			
1829, " 12	18	3591 29	2645 60	238 25	215 18	138 49	8 00	3 00	12 71		
" " 14	19	3842 80	1767 00	507 50	211 00	1270 91	60 00	1 96		5 57	
" " 15	20	2932 14	2342 71	413 31	134 84			47	149 81		
" " 17	21	2506 44	1967 25	331 25	128 50		40 25		29 19		
" Dec. 18	22	822 36	471 50	163 13	150 75				36 93		
" Oct. 6	23	937 83	510 37	223 00	41 62		38 00	1 12	123 72		
" Sep. 29	26	211 09	23 68	41 00	8 60	42 66			92 75		
" " 26	27	1698 22	1488 72	153 75	42 00		9 50	1 00	1 25		
" " 16	28	1009 21	733 25	153 00	61 92				53 04		
" Aug. 7	29	870 59	781 49	94 00	4 00			1 07		9 97	
" Dec. 18	30	500 00	341 60	76 25	81 65		4 50			4 00	
" Sep. 25	32	315 49		122 50	167 00		15 60		10 93		First Board.
" " "	32	254 24	207 24	25 25				75	21 00		Second Board.
" May, 14	34	50 00		12 00	34 00				4 00		
		69028 03	51268 73	9539 71	2938 83	2255 51	254 55	18 50	2793 80	41 61	

I would have reported last year but that many of the Com's. made charges which I did not feel myself authorised to allow, and it became necessary that the Legislature should pass an Act on the subject before I could close their accounts.

I have not yet been able to effect settlement with all the Commissioners, but expect to do so shortly without suit.

Respectfully Submitted

B. I. BLYTHE, Agt.

December 1st. 1830.

(C.)

REPORT
OF
CANAL COMMISSIONERS.

HOUSE OF REPRESENTATIVES,
December 19, 1830.

**TO THE GENERAL ASSEMBLY OF THE STATE OF
INDIANA.**

The Commissioners of the Wabash and Erie canal respectfully report, that in May last they were organized as a Board under the provisions of the canal law of the last session of the Legislature, and immediately made arrangements to procure an Engineer to superintend the construction of the canal in Indiana, convinced that a sound regard to economy required the work to be entrusted to competent hands, they omitted no labour which was supposed necessary to accomplish that object.—From an extensive correspondence in relation to canals in various places, an opinion was clearly formed that for prudence in the management, economy in the construction of canals, and satisfaction with the persons employed, the school of Engineers in Ohio had been particularly fortunate; which with their acquaintance with the prices of labour, cost of materials in the western country, and persons qualified to construct the various works of canal, as well as from the fact, that the particular work which each Engineer had performed, was well known to the Board, it determined them if possible to procure an Engineer from that quarter. With some difficulty they engaged Joseph Ridgway, jr. Esq. who had superintended extensive and difficult portions of the Ohio canals from their first location to their final completion. Scientific acquirements of the

first order, joined with much practical knowledge and experience in canalling, render him entirely competent for the various duties of Chief Engineer. He entered on the discharge of his trust early in August last and has completed the examinations of the summit section as was contemplated by the canal law of the last session. To his report for estimates in detail, plans &c., you are respectfully referred.

The Act of Congress of May 39th, 1830, authorised the commissioners to select 29,528 78-100 acres of land in lieu of those sold and permanently reserved in the tiers of sections falling to the state in the canal donation. This quantity has been selected with great care, generally in small tracts of the public surveys contiguous to the canal line, and reported to the Fort Wayne and Crawfordsville land offices previous to the late sales of lands in those districts; sufficient time, however, has not elapsed to receive the answer of the commissioner of the General Land Office in relation to this subject, but as the selection was made in the manner and time proposed by that department, no doubts are entertained of its assent to the selection.

The canal lands were advertised according to the provisions of the canal law, and in October last, 41,931 41-100 acres, sold for the total sum of \$71,038 85 of which \$24,849 59 of the purchase money, and \$2,771 46, the interest one year in advance on the residue of \$46,189 26, was received in cash, making the amount received by the Fund Commissioner, \$27,621 05. The average price per acre was less than was anticipated. In Carroll and Cass counties, which were partially settled, the sales fully realized the expectations formed of them; but higher up the route, where but few persons reside, much the largest portion sold was struck off at \$1 25 per acre.

It will be observed by reference to the report of the engineer that his estimates of the cost of the summit section, exceeds the estimates made by the commissioners in 1828.—In making their estimates they were governed by the prices of labor, then generally given in Ohio and Indiana, and the prices of provisions on the route;—labor at \$8 per month, flour at \$4 50 per barrel, and bacon at 5 cents per lb. The engineer supposed the price of labor too low, and increased his estimates to bear a nearer proportion to the present value of labor which from the flourishing condition of the western country, and the extensive works of improvement has materially increased in value. He found it necessary to extend the feeder about one mile further up the St. Joseph's, which, with 24,000 dollars, or more than 10 per cent. for contingencies in his report, an item not charged in the commissioner's estimate, from the belief,

that the liberal allowance of cost on the other portions of the route would cover that item, has increased the estimate of the engineer for the summit section, over that of the commissioners, near the sum of \$48,000. The Board are not, however, apprehensive that the cost of constructing the whole work will exceed the total amount of the original estimate. The work on either side of the summit section was estimated at a much higher rate. The board were not able to procure an engineer on whom they could freely rely for a salary as low as was expected; they have contracted with Mr. Ridgway for a salary of two thousand dollars per annum to be paid quarterly, board and travelling expenses to be paid by the state, conditioned that his compensation shall not be less than one thousand dollars, or equal to six months salary for the present season. It was considered a matter of more importance to the interests of the state to have the superintendence of the canal entrusted to a person of undoubted skill and ability, than a few hundred dollars in the compensation. The sum, however, that Mr. Ridgway receives is the same as the lowest price paid in Pennsylvania—the same as was paid to Judge Bates in Ohio, and a less sum it is believed, than is paid to the engineer of the Louisville canal in Kentucky. The portion of lands sold at the late sale is by no means superior in soil or situation to an equal quantity which under the provisions of the law, will be offered for sale in April next. The 29,528 acres lately selected before the lands in the canal donation were offered for sale, are of the first quality, and would have commanded fair prices if they could have been offered at the late sale. The board are fully aware that with perfect propriety, the sphere of their duties is limited to carrying into effect such measures as they may be directed to perform rather than to offering opinions to those who are much more able to decide. They cannot however, forbear from expressing the deep solicitude which they feel for having a portion of the canal put under contract the ensuing summer, a measure which they believe is equally demanded by the increased value it would give to the unsold lands in the canal donation, and the terms held by the law of last session to the purchasers who bought lands under its provisions.

The sum received in cash for lands sold at the October sale, as before stated, is \$27,621 05, an amount too small to commence the work, and carry it on with sufficient rapidity to command public confidence, or in a manner which would be warranted by principles of economy. The board are far from desiring that any course should be taken which would involve

the state in liabilities of any kind, that would increase taxation on the people. They view, however, the grant of lands made by Congress as a rich boon, and wish to have the amount for which the lands will sell for, applied prudently and economically to the construction of the work so far as it will go; feeling assured that with this amount expended in the first instance no difficulty would be found in afterwards pledging the canal for a term of years for its ultimate completion.

The commencement of the canal is necessary to make the canal lands realize their full value. A loan limited to the amount the lands may sell for, with the faith of the state pledged for the punctual payment of the interest and its ultimate redemption, is believed to be the true policy to advance the interests of the state. No sum can be better secured than the amount which is, and will be due from the purchasers of the canal lands. The interest is payable in advance, and the lands on which the several balances are due, are subject to be forfeited for twenty days delay of payment. The location of the canal directly in the centre of the lands from which the fund is derived, must so enhance their value, that few or no tracts will be forfeited, and if, in rare cases they should take place, from their situation they will be worth more than the three-fourths of the purchase money or balance due; and from the faith of the state being pledged to the purchasers of the donation that all such tracts shall be sold without delay, and the entire proceeds of such sales applied for the benefit of the canal, no loss can be sustained.

For the faith of the State to be pledged for the regular payment of the interest and ultimate redemption of a loan limited to the amount of the balance due from the purchasers of the canal lands secured as that fund is, with the lands from which it is derived, rendered daily more valuable by the construction of a great work of public improvement in their vicinity, no hazard can be perceived. This assurance given would prevent distrust with the persons who might advance the loan, and perhaps insure better terms in procuring it, than could be obtained without its being given.

A law authorising actual operations on a canal should provide for the entire measures to be pursued in constructing it. The sums necessarily required, in the progress of a canal, must depend on the labour done in each particular year, which, from a variety of considerations, cannot be anticipated or met by annual legislative provisions, so as to prevent injurious delays.—A course of canal policy well defined by legislative enactment, providing for the measures to be pursued, would establish a confidence in the work, which would facilitate the means of

procuring a loan, and give a character which would be highly beneficial in enhancing the value of the canal lands.

In contemplation of a loan, limited to the amount of the balances due from the purchasers of the canal lands, a Board of Loan Commissioners, to negotiate loans, will perhaps be necessary. The business of selling the canal lands, and having the contracts executed for canal operations, will give the Board of Canal Commissioners sufficient employ.

The St. Joseph's Feeder is partly located on lands which were sold previous to the act of Congress, 1827, and a few tracts are similarly situated on the canal line. Provisions will be necessary to authorise the Engineer or Commissioners to enter on the lands of any person for timber, stone or other materials to construct the canal, with power to call a jury and assess damages, if any should be sustained more than would be compensated for by the increased value which the canal would give the property it passes through. And provisions necessary to prevent the destruction of Banks, mechanical structures and interference with Locks, Gates, &c.

It is a matter of some regret to the Board, that the State of Ohio has not ratified the Compact with Indiana, in regard to that part of the canal line, on the Maumee, in the bounds of Ohio. The act of Congress, offering that state 5 alternate sections on each side of the canal route, contemplated a continuation of the Miami canal from Dayton to the Auglaize and down the Maumee. The difficulty, if not impracticability of supplying the Loramie summit with water, has probably had greater weight in producing their delay, in ratifying the compact, than an unwillingness to co-operate with Indiana, should our canal be made from the Tippecanoe to the Ohio state line. The making of seventy-eight miles of canal, and that not of expensive construction, would give them the benefit of the Tolls on all the freight which would pass in or out of the state, on our canal of 128 miles in length; the portion of the canal in Ohio will evidently be the most profitable part of the route, and independent of the advantages of the canal to that section of country, a regard alone to the profits arising from it will ensure its construction.

In recommending a loan, the Board are influenced only by the wish to advance the interests of the State; they consider the Canal Fund, arising from the sales of the public lands, to be so well secured, that the state cannot doubt its stability or value, and that no risk would be hazarded in making the strongest pledges in its favour.

The increased value of property and lands, in the vicinity of canals, can scarcely be appreciated, nor are the benefits arising from them, limited to the districts they pass through—they essentially contribute to the convenience of a country, unfold its resources, stimulate its energies and add to its wealth. The sums which would be expended in the construction of the canal, would be that much additional capital paid to the farmers and labourers of the state, and would give an impulse to business and enterprise, which would have a salutary effect in every quarter.

Whatever disposition may be made of the canal subject, or measures adopted in relation to it; it will give the Board great pleasure to execute such duties as they may be directed to perform, and on their part will use every effort, which they suppose may assist in the least degree, in promoting an object so important to the interests of the state.

The expenditures of the past year have been—

For pay to Canal Commissioners	\$1,180 00
“ “ Engineer, including salary up to Feb. 4th, 1831,	1,000 00
Assistant Engineer, Surveyor, Hands, Provisions, Spirit Level, Instruments, Camp Equipage, Transportation, Board of Engineers, &c.	1,038 02
Applicable to canal expenditures,	\$3,218 02
For Books, Clerk hire, advertising sales, &c. in selecting and selling lands,	721 45
Total expenditure,	\$3,939 47
Deposited by J. Vigus with Treasurer of State,	24,065 30
Balance placed in the hands of D. Burr to meet outstanding claims,	616 28
	<u>\$28,621 05</u>

The sums received have been—

For cash received of Treasurer	\$ 1,000 00
“ cash received on acc't of sales of lands,	\$27,621 05 \$28,621 05

As per account and vouchers reported to Auditor of State.

The editors who published the sale of lands were requested early in October last to forward duplicate receipts of their bills to the office of the Commissioners for payment. A small number of the accounts only have been received, varying in amount from fifteen to forty-three dolls. The settlement of these bills is in a train of negotiation. The reported balance of

\$616 28 has been placed in the hands of D. Burr, to meet these claims and to be accounted for in the next quarterly report. All of which is respectfully submitted.

D. BURR,	} Com'rs of the Wabash and E. C.
J. VIGUS,	
SAML. LEWIS,	

Indianapolis, Dec. 18th, 1830.

ENGINEER'S REPORT.

TO THE GENERAL ASSEMBLY OF THE STATE OF INDIANA.

In conformity to "an act to provide means for constructing that portion of the Wabash and Erie Canal, within the state of Indiana," passed January 28th, 1830, the following report of the estimated expense of constructing the summit or middle division of said Canal is respectfully submitted.

Early in July last, the Board of Canal Commissioners of the state of Indiana, in conformity to their instructions, employed the subscriber to make such examinations as would be necessary to determine the final location of the middle division of the Wabash and Erie Canal, and to make such estimates of the cost of its construction as, in his opinion, would satisfactorily effect the object contemplated. The examinations were commenced early in August, and were prosecuted until the latter part of September; during which time, so much of the main line as extends from the termination of the St. Joseph's Feeder to the mouth of Little River, together with the Feeder from the St. Joseph's river, was satisfactorily located, embracing together, a distance of 31 miles and 46 chains.

The examinations which have heretofore been made across the same summit, by the United States' Engineers, and also by your Board of Canal Commissioners, have been found of very great advantage in determining the permanent location of the line. The elevation of the Base line of Canal, crossing the summit, seemed to be determined by the height to which the water rises in St. Mary's river, at the contemplated crossing of the canal, as it had been ascertained, by previous examination, that a line crossing the St. Mary's river, sufficiently elevated to

be above the range of its highest floods, would cross the summit, without encountering any extraordinary depth of excavation. This preparatory step being determined, it became necessary to ascertain at what point on the St. Joseph's river, a feeder could be taken out to the best advantage, for supplying the summit level with water. After a close examination of the river, for several miles above its confluence with the St. Mary's, a point about six miles above Fort Wayne was selected, as being most suitable for its commencement.

The immediate valley of the St. Joseph, particularly near its lower termination, is narrow, and high bluff banks alternately project into the river from either side. One of these bluffs it will be necessary to encounter in the construction of the feeder, and will add very considerably to its cost.—The feeder commences immediately at the lower termination of the second bluff, and at this place it will be necessary to construct a dam across the St. Josephs river, fourteen feet in height, and two hundred and forty feet long, which together with a guard lock for the passage of boats from the river into the canal, and also to guard the feeder against the operation of high water, will constitute considerable items of expense. The further extension of the feeder up the St. Joseph, would greatly add to its cost without materially diminishing the height of the dam which it would be necessary to build, as the river above this place, has but little fall for many miles. With the exception of the first bluff, which is about three-fourths of a mile in extent, there are no obstacles presented in the construction of the feeder of more than ordinary occurrence: several culverts and a small aqueduct across Spy Run, are the only remaining mechanical structures upon the feeder line.

The main line of Canal, from the termination of the St. Joseph's Feeder, to the mouth of Little River, passes over ground more than usually favourable for its construction. The first five miles is located along the north western side of Mill creek Prairie, and immediately at the base of high open oak land, which rises to the right. This distance includes the crossing of Marais Du Perches, which is a low flat arm of Portage Prairie; but not sufficiently depressed to have its waters passed under the Canal by means of Culverts, or to permit the Canal to be passed over it by an aqueduct; but as it is necessary to provide a passage for a large quantity of water, which it is said to afford during the winter and spring floods, an extensive Waste Weir with guard gates at either end is contemplated as the best means for securing the safety of the work. The next 5 miles of the line, extending to the crossing of Rivierre a Boit:

passes mostly along the western side of Portage Prairie, and is similar in its character to the preceding part of the line. It may here be remarked, that wherever the line of canal is located along the edge of the different prairies, it frequently crosses wet and swampy ground. the towing path, through which, must necessarily be made of firm earth brought from the adjoining high land. Such additional expense is included in the estimates. Rivierre a Boit is by far the largest stream to be encountered on the middle division of the canal, and will require an aqueduct, having a clear space of 90 feet beneath it for the passage of its water; this lateral space is considerably larger than the ordinary channel of the stream, but is rendered necessary, owing to the slight elevation of the Base line of Canal, above the ordinary surface of low water in the river, and is intended to compensate for the consequent depression of the water way. From this point to section No. 25, embracing about 2 miles, the line lies along the west side of Raccoon Prairie, and in its course passes through Raccoon village. At section No. 25, the prairies terminate, and the line between this place and Lock No. 1, passes through heavily timbered land, embracing in its course the crossing of several small streams and one stream which will require a small aqueduct.

It may be observed, that the canal throughout its whole location, is at or near the base, of high land, rising immediately to the right, and that its general course is so well defined as not to admit any material change in its position. Lock No. 1 is located on section No. 31, about 16 miles from the commencement of the canal and at a point where Little River approaches very nearly to the line: from this place to section No. 40, at the crossing of the Fort Wayne and Logansport road, the land is heavily timbered, and the canal in traversing this distance, crosses several inconsiderable streams, which are passed by means of culverts and small aqueducts in the usual manner. From this point a range of narrow Prairies skirt the southern side of the canal for about one and a half miles, when the heavily timbered land again commences, and continues to the end of the line, throughout the whole length of which, no obstruction of importance occurs. Locks No. 2 and 3 are located on section No. 49, and Lock No. 4 on section No. 50, which section terminates the location of the Middle division, and is a half mile above Sharlow's Town, at the mouth of Little river. It is to be regretted that stone of a suitable quality for the construction of dam and aqueduct, abutments and for culverts, has not been found contiguous to the north end of the line, as the rebuilding of any of these structures must necessarily be at-

tended with much extra expense, and a considerable interruption in the use of the canal; the great distance which it would be necessary to transport stone however, for all works between the head of St. Joseph's Feeder and section No. 26 of the canal line, entirely precludes the idea of using that material, and a resort to wood as a substitute, is the necessary consequence; accordingly all structures upon the feeder, and upon that part of the main line included in the first 25 sections are estimated to be built of timber—and all culverts and aqueducts abutments between sections 25 and 50 inclusive, are estimated to be constructed of stone. The cost of these, will in the first instance be considerably more than the cost of wooden structures of the same kind, but it is believed that when the difference of expense is not too great it had better be encountered at the first construction of the work. The locks are not included in the preceding remarks and are all estimated to be built of wood. Timber of an excellent quality abounds in the vicinity of the Lock scites; and as the first cost of a Lock constructed of Timber, will not much exceed one third of the expense incident to a stone Lock, it may be estimated that the interest upon the difference of their cost, would be much more than sufficient to renew the timber Lock every eight years; particularly when it is recollected that the necessary repairs of such Lock, will not involve more than one half the expense of its original construction, as the foundation, and all the lower part of the Lock, embracing 4 feet in height, which is constantly submerged in water, will scarcely ever require any repairs.

With regard to a supply of water for the summit division of the Wabash and Erie Canal, it may be remarked, that there is no other permanent source to depend upon than the St. Joseph's river, but this with proper care in the construction of the work, is deemed sufficient for all necessary purposes. From several careful examinations it is satisfactorily ascertained that the St. Joseph's River at its lowest stage gauges more than 5000 cubic feet of water per minute, of which quantity it is fair to estimate that 4600 cubic feet may be introduced into the canal. Experiments have been extensively made upon newly constructed canals in different countries, and composed of different materials for the purpose of ascertaining the average quantity of water expended by lockage, leakage and evaporation; the average thus obtained is about 100 cubic feet per minute for each mile of canal; experience, however, shows that the loss of water by leakage continually decreases, and that the use of a canal one season only, will very materially lessen the expenditure. This diminution is owing to the continual deposit of

fine earth, which is carried from the streams supplying the Canal, particularly during the continuance of winter and spring floods; and the same cause continuing to operate, will in time render the bottom of a Canal almost impervious to water, even where it is composed of the most porous materials. The middle section of the Wabash and Erie Canal for more than half its length, passes along the edge of a series of small prairies, which are kept wet on their margin throughout the year, by water issuing from springs along the banks of the high land adjoining. When it is considered that this location occupies nearly the lowest ground in the vicinity, for at least 10 miles, and that all the water collected from the numerous springs will be taken into the canal, it is not unreasonable to suppose, that the water necessary to be drawn from the Feeder, for supplying this part of the line, will not exceed the one fourth part of the quantity usually required for the same distance.

It has been already remarked, that a minimum of 4600 cubic feet per minute may be introduced upon the summit level, and this, it is believed, will be sufficient to supply a line of 67 miles in extent, commencing at a point on the Maumee, below the state line, and extending across the summit to a point on the Wabash, some distance below its confluence with Little River; 52 miles of this line, it is believed, may be supplied by the introduction of 75 cubic feet of water per minute; and 15 miles on the summit will not probably expend more than 50 cubic feet per minute for each mile of canal; there can be no doubt but that at the northern and southern terminations of this line, the Wabash and Maumee Rivers will respectively furnish a sufficient quantity for the continuation of the canal, particularly when it is considered that a great proportion of the water which escapes by leakage from the upper level of the canal, will find its way into either the one or the other of these streams.

Particular estimates in detail of the expense of constructing the middle division of the canal, have been made and are presented accompanying this report, together with such plans, maps, and profiles as have been perfected, all of which it is hoped will be satisfactory to your honorable body. The annexed schedule shews the estimated expense of constructing each separate section of the feeder and canal line.

All of which is respectfully submitted.

J. RIDGWAY, Jr. *Engineer in Chief.*

Indianapolis, Dec. 18, 1830.

GEORGE SMITH, *State Printer.*

27	39	13	79	331 50	1192 27	847 67	5323 74	3585 00	2945 17
28	39	14	38	321 75	1775 75				10473 25
29	42	15	00	378 00	4771 51				1440 61
30	39	15	39	234 00	1206 61				6606 34
31	39	15	78	331 50	2084 30	605 54			1815 12
32	42	16	40	315 00	1500 12				2413 43
33	39	16	79	292 50	1528 64	592 29			1729 24
34	39	17	38	204 75	1524 49				1667 04
35	42	18	00	262 50	1404 54				1542 15
36	39	18	39	292 50	1249 65				6414 92

GEORGE SMITH, *State Printer.*

ST. JOSEPH'S FEEDER.

Sta.	Length.		Grubbing.		Ex. & Emb.		Culverts.		Aqueducts.		Locks.		Dam.		Protection.		Bridges.		TOTAL.
	No.	Ch.	M.	Chs.	\$	c.	\$	c.	\$	c.	\$	c.	\$	c.	\$	c.	\$	c.	
1	39	0	39	0	292	50	1656	07	5054	74	670	35	10714	90					\$ 12370 97
2	39	0	78	0	263	25	2085	124	1391	18	584	97							\$ 8182 64
3	42	1	40	283	50	1391	18												\$ 2333 31
4	42	1	79	283	50	1596	38												\$ 1674 68
5	42	2	41	294	00	1432	79												\$ 1849 88
6	42	3	00	273	00	1830	624	585	07										\$ 1726 79
7	39	3	30	172	50	1708	254	545	78										\$ 2688 69
8	30	3	30	273	00	10141	40												\$ 2426 53
9	39	3	69	273	00	14876	26												\$ 11394 50
10	51	4	40	357	00	2311	44												\$ 16474 04
11	39	1	79	243	75	1469	134												\$ 4716 63
12	57	5	56	327	75														\$ 1926 88
13	57	6	33	228	00	1483	62												\$ 1711 62

Middle Division of Canal Line.

Sta.	Length.		Grubbing, Ex. & Emb.				Culverts.		Aqueducts.		Locks.		Waste Weir.		Bridges.		Total.
	No.	Chs.	M.	Chs.	\$	c.	\$	c.	\$	c.	\$	c.	\$	c.	\$	c.	
1	39	0	33	175	50	1108	47										\$ 1283 97
2	42	1	01	252	00	2275	61	829	74								\$ 3497 35
3	39	1	40	224	25	1531	25										\$ 1755 50
4	39	1	79	97	50	1686	38										\$ 1783 88
5	39	2	38	107	25	1414	90										\$ 1522 15
6	42	3	00	294	00	1677	124	346	90								\$ 2318 02
7	39	3	39	234	00	1377	64										\$ 1611 64
8	39	3	78	282	75	1550	44										\$ 1833 19
9	81	4	79	243	00	3563	45										\$ 5501 97
10	39	5	38	136	50	1237	47										\$ 1363 97
11	42	6	00	126	00	1567	05										\$ 1693 05
12	39	6	39	107	25	1423	26										\$ 1530 51
13	39	6	78	126	75	1386	35										\$ 1513 10
14	42	7	40	294	00	1456	53										\$ 1750 53
15	39	7	79	292	50	1139	06										\$ 1815 75
16	39	8	38	312	00	2030	55	843	20								\$ 1748 05
17	42	9	00	262	50	1485	55	335	06								\$ 2266 76
18	39	9	39	313	00	1619	70										\$ 4656 18
19	42	10	01	378	00	1910	28	2367	80								\$ 2328 76
20	39	10	40	195	00	2133	76										\$ 1760 21
21	39	10	79	117	00	1643	21										\$ 1910 41
22	39	11	38	68	25	1842	16										\$ 2766 11
23	42	12	00	168	00	2263	05	335	06								\$ 1594 43
24	39	12	39	48	75	1545	68										\$ 4598 10
25	39	12	78	234	00	2938	98										\$ 2771 31
26	39	13	40	378	00	1543	64										\$ 1923 77
27	39	13	79	331	50	1132	27										\$ 2945 17
28	39	14	38	321	75	1775	75										\$ 10473 25
29	42	15	00	378	00	4771	51										\$ 1440 61
30	39	15	39	234	00	1206	61										\$ 6606 31
31	39	15	78	331	50	2084	30	605	54	3585	00						\$ 1815 12
32	39	16	40	315	00	1500	12										\$ 2413 43
33	39	16	79	292	50	1528	64	592	29								\$ 1729 24
34	39	17	38	204	75	1524	49										\$ 1667 04
35	42	18	00	262	50	1404	54										\$ 1542 15
36	29	18	39	292	50	1249	65										\$ 6414 22
37	39	18	78	321	75	2013	53										\$ 1903 06
38	42	19	40	315	00	1598	06										\$ 1575 88
39	39	19	79	234	00	1341	88										\$ 1775 61
40	39	20	38	87	75	1536	18										\$ 1946 66
41	42	21	00	168	00	1607	61										\$ 1707 85
42	39	21	39	78	00	1868	66										\$ 1741 19
43	39	21	78	87	75	1920	10										\$ 1680 25
44	42	22	40	294	00	1447	19										\$ 4678 69
45	39	22	79	263	25	1417	10										\$ 1891 38
46	39	23	38	312	00	1529	25										\$ 1696 46
47	42	24	00	315	00	1576	38										\$ 10316 44
48	39	24	89	292	50	1403	96										\$ 130 00
49	39	24	78	292	50	2568	48										\$ 130 00
50	15	25	13	112	50	1412	58										\$ 7012 00
																	\$ 3515 00

RECAPITULATION.

Total amount of Canal,	Dolla. c.
Do. " Feeder,	141,677 88
	70,077 21
Add for contingencies-	211,755 09
	24,194 90
Average per mile,	\$235,950 00
	7,500 00

(D.)

REPORT

OF

THE COMMITTEE

OF

WAYS AND MEANS,

ON THE

STATE OF THE FINANCES.

HOUSE OF REPRESENTATIVES,
January 22, 1831.

READ AND ORDERED TO BE PRINTED.



STATEMENT No. 1. Of the Collection of State Taxes, in the several counties, during the year 1830, commencing on the 1st day of January and ending the last day of December.

COUNTIES.	Undist'd lands and polls.	Delinquents former yrs.	Assessments with forego- ing.	Delinquents this year.	Com's for collecting.	Allowance for adver- tising.	Mileage.	Taxes re- funded.	Nett amt due trea- sury.	Cash re- ceived.
Allen	80 84	80 84	178 92	21 17	14 19		9 60		123 96	133 96
Bartholomew	22 04		630 99	34 52	53 68	1 50	2 52		538 77	538 77
Boone	2 00		42 27	3 37	3 41		1 44		31 04	31 04
Clark	68 49		1623 13	134 19	134 00	2 25	7 20	7 12	1338 37	1323 13
Clay			126 35	16 42	9 89	1 25	3 90	1 87	93 02	93 00
Crawford			317 13	23 50	26 42	1 50	7 50		258 21	258 20
Carroll	12 71		118 14	19 87	11 63		5 22		111 41	111 41
Cass			91 13	24 00	6 01				61 09	61 09
Clinton			83 62							
Dearborn			1638 05	79 98	140 22	2 50	5 40		1109 95	1407 15
Decatur	12 18	1 37	802 45	25 27	69 97	1 25	3 00	6 66	696 83	697 05
Davies	4 24		628 75	25 74	51 27	1 50	7 20		510 03	540 03
Dubois			219 08	18 68	18 03	1 62	7 20		173 55	173 55
Delaware			155 55	21 58	11 78		3 60		115 59	114 63
Elkhart			60 00	4 87	4 96		13 20		36 96	36 96
Fayette	18 96	93 61	1160 18	67 76	98 31		3 36		990 74	990 74
Floyd	22 27	15 54	775 19	129 09	58 14	2 25	7 80		577 91	577 52
Franklin	5 85		1256 18	125 84	101 72	1 00	4 20		1024 40	1023 41
Fountain	69 57	15 75	828 82	111 01	64 61		5 10		618 10	618 10
Gilson	15 56		796 92	29 16	69 07	2 00	9 00		687 39	687 39
Green	2 26		416 17	20 00	35 68	1 25	4 44		355 10	355 10
Hamilton	3 76		240 86	19 81	19 89	1 50	1 32		198 34	198 34

STATEMENT No. 1.—Continued.

COUNTIES.	Unlisted lands and polls.	Delinquents former y'rs.	Assessments with forego- ing.	Delinquents this year.	Com's for collecting.	Allowance for adver- tising.	Mileage.	Taxes re- funded.	Nett am't due trea- sury.	Cash re- ceived.
Harrison	24 79		1389 68	131 82	113 20	2 50	8 00		1134 16	1134 16
Hendricks	7 77		370 99	9 00	32 58	1 25	1 20		326 96	326 96
Henry	15 04		705 82	42 19	59 72	1 50	3 30	27 67	571 44	571 44
Hancock	1 13		137 62	9 37	11 54	1 50	1 29		113 91	113 90
Jackson	31 92		711 58	44 15	60 06	1 50	4 38		601 48	601 48
Jefferson	35 32		1316 46	120 31	107 65	2 50	5 10		1080 90	1080 90
Jennings			473 19	36 47	39 30	1 50	3 90		392 02	392 00
Johnson	9 55		406 84	14 88	35 27	1 50	1 20		353 99	353 99
Knox	19 55	141 55	1420 93	357 60	95 69	2 50	9 00		956 12	956 12
Lawrence	65 71		1067 63	79 47	88 93	1 50	4 80	6 04	886 89	886 89
Marion	37 18		1046 61	51 18	89 59	2 00			903 84	903 84
Madison	5 73		182 96	12 06	15 38		2 40		153 11	153 12
Marlin	31 07	154 89	427 78	188 07	21 57	2 00	6 00		210 14	210 13
Monroe			700 36	122 05	52 04	1 75	3 18		521 34	521 34
Montgomery	104 04	23 25	795 83	54 76	66 70	1 50	3 30		669 57	669 57
Morgan	8 74		575 25	43 01	47 90	1 25	1 80		481 29	481 44
Orange	17 10		866 73	24 26	75 82	1 50	6 00	1 06	758 08	758 08
Owen	43 96	37 87	390 90	57 86	29 97	1 25	3 18		298 64	298 63
Parke	13 08		874 11	124 41	67 47	1 75	4 50	16 72	659 26	659 25
Perry	13 74	26 42	348 47	12 74	30 21	1 50	9 90		294 12	294 12
Pike			369 66	22 31	31 26	2 00	7 50	32	306 27	301 17
Posey	24 56		851 15	32 44	73 67	1 25	12 00		731 76	731 75

Pulani	41 37	762 51	57 03	63 49	1 25	2 40	133 79	3417 00	31391 98
Randolph	43 06	458 63	45 90	37 14	1 59	4 39			
Ripley	24 75	515 36		46 38	2 12	4 32			
Rush	88 04	1443 30	51 76	125 78	1 00	2 40			
Scott	10 24	456 37	21 55	39 13	1 59	6 00	1 33		
Shelby	11 54	791 48	52 59	66 77	1 01	1 56	15 75		
Spencer	26 65	443 17	32 13	33 36	1 51	9 24			
Sullivan	40 64	647 72	83 29	50 79	1 59	7 20	2 62		
Switzerland		1255 96	280 13	87 82	1 75	6 00			
St. Joseph	3 75	23 50	3 75	2 28		14 40			
Tippecanoe	28 87	640 22	80 83	50 34	1 00	4 59			
Union	8 65	1026 61	50 30	87 86	2 00	4 75			
Vanderburgh	5 32	333 83	15 64	28 63	2 01	10 80			
Vermillion	5 22	589 62	62 83	47 41	1 25	6 00	1 92		
Vigo	7 51	1218 65	323 52	80 11		3 78	5 22		
Warrick	8 27	354 84	26 71	29 53	1 50	10 80			
Washington	33 66	1521 21	55 62	131 90	1 75	6 00	39 40		
Wayne	26 88	2078 93	84 10	179 53	1 50	3 78			
Warren		170 46	10 37	14 40		5 19			
Total	1181 92	42391 10	3892 61	3157 05	79 49	327 45	133 79	3417 00	31391 98

STATEMENT No. 2.—*Statement of Receipts and Expenditures of the Treasury from January 1st, 1830, to December 31st, 1830.*

RECEIPTS.

Cash in Treasury on 1st January 1830	35972 58
Receipts from taxes assessed in 1830	34391 97
From balances due and in arrears for the year	
1820 Pike - - - 16 43	
1822 Crawford - - - 64 11	
" Orange - - - 180 29	
" Parke - - - 35 00	
1823 Pike - - - 73 20	
1825 Jefferson - - - 490 00	
" Shelby - - - 130 00	
1826 Dubois - - - 22 70	
1827 Dubois - - - 181 29	
1829 Cass - - - 40 00	
" Dearborn - - - 1323 28	
" Jackson - - - 29 63	
" Pike - - - 86 68	
	2677 61
<i>Indianapolis Fund:</i>	
From E. Sharpe, Agent - 3457 30	
" B. F. Morris, late Agent - 203 24	
	3660 54
<i>Militia Fines:</i>	
From paymaster of 1st regiment 15 43	
" " 39 - 15	
	15 58
<i>Salt Springs:</i>	
From Adala Campbell, Sup't French Lick 4 51	
" Samuel Cobb " " 31 50	
" L. G. Austin " " 112 00	
	148 01
<i>Seminary Funds:</i>	
From James Borland, Com'r Monroe	
Seminary township 3443 83	
" James Smith " Gibson 1891 00	
" Sales mortgaged land 405 00	
" Interest on loans 1591 30	
" Loans refunded - - 1250 16	
	8581 29
<i>Estates without heirs:</i>	
From administrator of Levi Read 43 40	

STATEMENT No. 2.—*Continued.*

RECEIPTS.

From administrator of Thomas Dicken	7 37	
“ “ Stranger suppo-		
sed to be named Lockwood	88 00	
“ “ Elisha Cowan	7 07	115 84
From sale of Canal lands	-	23094 77
Total amount of receipts for 1830	-	113598 19

EXPENDITURES.

<i>For the Legislature:</i>		
Pay and mileage of members	10489 52	
“ of clerks, door-keepers and ser-		
geant at arms	1531 00	
“ public printing and stationary	3302 53	15323 05
Specific appropriation	-	1171 71
Michigan road	-	1302 50
<i>Executive:</i>		
Governor's 4 qrs. salary	1000 00	
Secretary 4 “	400 00	
Auditor 4 “	400 00	
Treasurer 4 “	400 00	2200 00
<i>Judiciary:</i>		
Blackford 4 qrs. salary Supreme Judge	700 00	
Holman 2 “ “	350 00	
Scott 4 “ “ & frac.	751 78	
Circuit judges salary up to 1st Decem-		
ber, 1830	4684 24	
Expense of Supreme Court	102 43	6588 45
Circuit prosecutors salaries up to 1st		
Dec. 1830, except frac. of pros. 6th		
Circuit	-	1150 05
<i>Seat of Government:</i>		
Treasurer's and auditor's per cent.	47 67	
Agent's salary and allowance	296 06	
Balance for Gov. House	130 00	383 73

STATEMENT No. 2.—*Continued.***EXPENDITURES.***Seminary Funds:*

Salary of president and professors	2000 00
For building College chapel	700 00
Allowance to superintendant	86 76
Appropriation to C. G. Brown	300 00
For recorder of Monroe sem'y township	19 13

3105 89

Loans Seminary funds

6128 00

Salt Springs:

To Campbell and Austin, Sup'ts
French Lick

51 74

State Library:

Librarian's salary to 1st Dec., 1830	15 00
Allowance for library	100 00

115 00

State Prison:

Transporting convicts to state prison	459 52
Contingent fund	1009 95
Salaries of Adj't. and Qr. Master Gen's.	150 00
Wabash and Miami canal	5854 53
Premium for wolf scalps	664 50
Advertising presidential election	3 00
Allowance to probate judges	1983 00
Militia fines to Union and Washington counties	21 00

47665 62

Total am't of expenditures for 1830
Which taken from \$113,598 19 (the whole
amount of receipts) leaves in the hands of the
treasurer, on the 31st December, 1830, provi-
ded all warrants to that date had been paid

65932 57

113598 19

STATEMENT No. 3. *List of Balances due the State for Taxes.*

COUNTIES:	1821	1822	1823	1824	1825	1826	1827	1828	1829	1830	TOTAL.
Allen			665 06			27 43				83 62	27 43
Clark									13 92		83 62
Clinton						9 45					13 92
Class											9 45
Clay		19 00	214 59	24 29				358 48			257 88
Dubois											358 48
Decatur		95 93	184 59			32 43	84 03	43 69			1014 36
Floyd			733 84								101 46
Henry		224 99	25 34								311 02
Jackson			107 14		70 18		75 89				177 32
Jefferson											75 89
Madison		203 92	217 14								421 11
Martin			278 98								278 99
Perry				104 32	92 82	293 05	270 33	306 04			1066 56
Scott					54 10						54 10
Shelby					675 91		303 83				1137 67
Switzerland			157 93								13 82
Vigo									13 82		
TOTAL	95 93	638 50	2400 08	128 61	803 01	362 36	736 08	708 21	27 74	83 62	6066 14

STATEMENT No. 4. *State of the Treasury and public Debt on the 1st day of January, 1831.*

TREASURY.

Cash in treasury on the 1st day of January, 1831	65932 57
Balance due from collectors	6068 14
Total	72000 71
From which deduct public debt	28164 87
Balance in favor of treasury	43835 84
Of the balances due from collectors about \$3500 is supposed to be bad debts	3500 00
Which deducted from the above sum leaves	40335 84

PUBLIC DEBT.

Outstanding treasury notes	128 00
Indianapolis fund	6765 00
Canal fund	20710 02
Conscientious fines	561 85
	28164 87

STATEMENT No. 5. *Estimate of the Receipts and Expenditures of the year 1831.*

Cash in treasury on 1st January, 1831	65932 57
From taxes to be assessed for 1831	36500 00
From outstanding claims there will probably be realized	1000 00
	103432 57
Deduct probable expenditures	37765 00
	65667 57
Deduct canal and Indianapolis fund, &c.	28164 87
	37502 70

(II)

The expenditures of the next year will probably
amount to 37000 00

Nett amount in treasury \$ 502 70

EXPENDITURES.

Legislature, including pay of members, clerks, &c.	15000 00
Public printing	5000 00
Executive	2400 00
Judiciary	7100 00
Prosecutors	1100 00
Adjutant and Qr. Master Gen's.	150 00
Contingent expenses	1000 00
State prison	600 00
Wolf scalps	800 00
State library	115 00
Probate judges	2500 00
Specific appropriation	2000 00
	<hr/>
	37765 00
	<hr/>

The committee in making out the foregoing report, concluded to strike from the list of balances, the sums due previous to the year 1821, and also, some other small amounts where errors had been detected in the calculation of former Auditors. The balances referred to, were either against persons entirely insolvent, or too small to justify the commencement of suits merely on account of mistakes in calculation.

The committee are much gratified to be able to state, that they find the offices of Treasurer and Auditor in excellent order; the books well kept, and calculations correctly made, so much so, that your committee were considerably aided in the discharge of the duty assigned them; and the agreement of the books of those two officers, not only enabled them to bring their labors to a speedy close, but reflects much credit upon them for the promptitude and correctness with which they discharge their several duties.

While it is a source of satisfaction to state, the unexampled punctuality which has marked the payment of the revenue of the past year, only one county (Clinton) having failed to make

payment at the treasury, it is also, evidence of the efficiency of the existing revenue laws, and an increased attention on the part of our collecting officers to their several duties. The increase of the revenue has more than realized former anticipations on the subject. By reference to the receipts of three past years it will be seen, the average increase of each year, over the preceding, is \$2272 87 or \$7118 61 in the whole three years. Upon this rate of increase in our revenue, we may reasonably calculate, the day is not far distant, when a considerable reduction of taxes may take place.

All of which is respectfully submitted.

JAMES G. READ, *Chairman*





